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Towards a Theory of Movement Planning Practice

By

Robert W. Smith

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University of California, Berkeley

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Abstract
Towards a Theory of Movement Planning Practice
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This dissertation is an attempt to understand how planning practice can be utilized by social movements in the city through the experience of the planner. Consequently, it is a work that attempts to bridge three areas—urban redevelopment politics, planning theory, and methodology—in a way that might draw some useful practice tips for what I call “movement planners.” In some ways, this is very much a theoretical dissertation. It attempts to address the gap in planning theory that largely ignores the practice of planning outside traditional settings. As such, this work sets out to understand how planning and politics intersect through a study of community organizing around a large urban redevelopment project in which I was a participant. It offers some insights about meaningful methodologies for planning research that incorporate the experience of practice.

The core issue in this dissertation is the interaction between city planning and social movements in the city, and what that intersection means for planning theory and methodologies for studying planning practice. As devolution and privatization continues to complicate Peterson’s city limits thesis, land use development has become an important locus around which social movements organize to demand policy changes for economic, environmental, and social justice. Through this process the classic conflict between exchange and use values in land has also been complicated. Rather than opposing urban development projects, social movements are organizing to be stakeholders in their formulation and implementation. The debate is then shifted from a stark “capital versus neighborhood” dynamic to one over creating more democratic and inclusive stakeholder tables and using development to address social problems.

This dissertation is based on five years of participant-observation in the economic justice movement in Oakland, California (2001-2006). The findings of my research are as follows:

1. There is a role for planners **inside** social movements that planning theory does not currently address. I call the planners who practice within social movements **movement planners**.

2. Community benefits campaigns are specific strategies for economic justice that require movements to obtain and use planning expertise. These strategies are specific to the project level, which Krumholz has observed is often the only real object of city planning (planning at the project level, that is).
3. These campaigns, although somewhat decentralized, are increasingly coordinated to create economic justice policy agendas at policy scales superior to the project level. This coordination is evidence that the project level campaigns are a response to the project of devolution and privatization.
4. Community benefits campaigns are **not** not-in-my-backyard (NIMBY) campaigns. The activists are arguing for equitable development, not for no- or even slow-growth policies. The activists are also not arguing for relocation of locally unwanted land uses (LULUs). NIMBYism is the unfortunate and somewhat defamatory response planners often make to demands for project outcomes and meaningful community participation in project decision-making. This helps explain the context for finding number 1.

Practice is the key mediator between theory and policy. Planning theory traditionally attempts to explain practice; and practice is the evidence used to periodically re-think theory. Planning theory has little direct interaction with public policy. Planning practice, however, can have a serious impact on policy, particularly in the context of movement planning. And policy certainly has an impact on planning practice. This is seen in the campaigns examined in this dissertation where policy barriers forced activists to use planning expertise to put pressure directly on the developers, which in turn created calls for new policy solutions.

The dissertation is organized as follows. The first chapter discusses the context of urban redevelopment politics, how redistribution has been forced to the municipal scale, how this has impacted development politics, and how this relates to planning practice. The second chapter outlines the conceptual framework for procedural interventions in the urban planning process at the city level. I call this the *procedural fix*, an environment in which movement planners operate. The third chapter explores how planning expertise was utilized by two community benefits campaigns in Oakland to further their agendas between 2003 and 2005. The fourth chapter addresses the methodological questions I both faced and now raise. The fifth chapter concludes with a discussion of traditional equitable planning theory and how

a movement planning theory would be situated in the tradition, including suggestions for planning practice and next steps for a movement planning research agenda.

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INTRODUCTION

This dissertation is an attempt to understand how planning practice can be utilized by social movements in the city through the experience of the planner. Consequently, it is a work that attempts to bridge three areas—urban redevelopment politics, planning theory, and methodology—in a way that might draw some useful practice tips for what I call “movement planners.” In some ways, this is very much a theoretical dissertation. My initial plan was to understand how planning and politics intersect through a study of community organizing around a large urban redevelopment project in which I was a participant. I was also concerned about meaningful methodologies for planning research that incorporated the experience of practice.¹

As time went on, the project became more focused on the theoretical dimension of a planner working outside the institutional or consultant situation; as a political actor, or one who works closely to develop and support political positions as an advocate. The methodological failures of my initial project are important and illustrative. It never occurred to me as I began this project that my position as a participant would *complicate* my ability to learn—I was excluded from many important meetings and decisions because I was a participant, usually for balance-of-power or trust reasons among coalitional partners. Additionally, I learned that interviews were practically meaningless in such a politically-charged environment. No one would ever say a critical word about the work on the record, although many critical things were said in off-the-record conversations which I simply cannot reveal. This was not just true for the activists and advocates, it was true for governmental and development actors as well (although to a lesser extent since some of these actors were powerful enough to lay out their true positions in public). In the end, I had to focus on my own observations about the work I was involved in, with the work becoming more of a self-reflective work than I had intended.

Nevertheless, there is little written about practice of planners in support of social movements. The work that touches on this practice is typically situated in the social movement theory literature and is more concerned with the dynamics of social movements rather than that of city planner (for obvious reasons).

This project deals with field work I did between 2001 and 2006. For two years after (I was not completely out of the field until mid-2006), I wrote hundreds of pages of observations that often seemed like too much information to make the point and occasionally broached subjects I had to

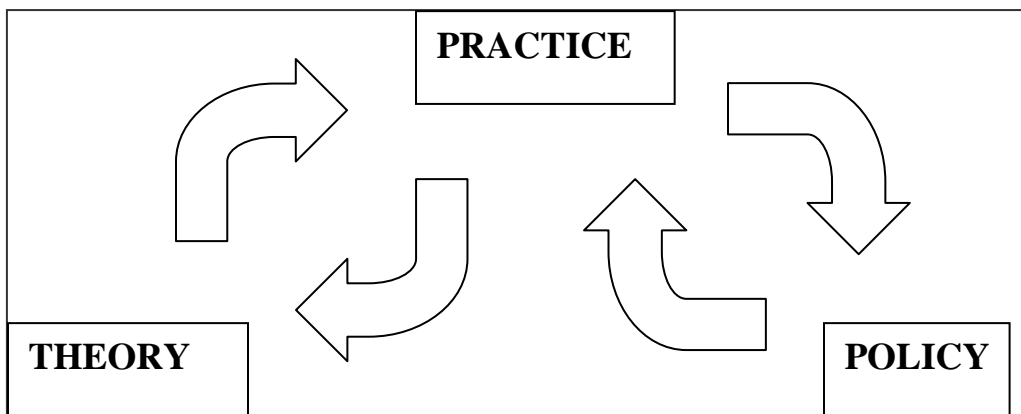
refrain from discussing. In early 2008, I put the project down while I went to work for the Commonwealth of Massachusetts, thinking that dissertation was simply too disjointed to work. A couple of colleagues convinced me that I did have a nearly completed dissertation, just that I had been working too hard to get it to 300 pages when my points could be made in 150. After thinking that criticism through, I revisited the draft and continued the work. The pages of observations I had to remove did not need to be replaced. This is not a dissertation about how social movements worked on this redevelopment project or a history of organizing around this project. Its contribution to knowledge is the articulation of movement planning and how planners might understand their practice in this arena. There is certainly more to be written on this subject.

This dissertation is based on five years of participant-observation in the economic justice movement in Oakland, California (2001-2006). The findings of my research are as follows:

5. There is a role for planners **inside** social movements that planning theory does not currently address. I call the planners who practice within social movements **movement planners**.
6. Community benefits campaigns are specific strategies for economic justice that require movements to obtain and use planning expertise. These strategies are specific to the project level, which Krumholz has observed is often the only real object of city planning (planning at the project level, that is).
7. These campaigns, although somewhat decentralized, are increasingly coordinated to create economic justice policy agendas at policy scales superior to the project level. This coordination is evidence that the project level campaigns are a response to the project of devolution and privatization.
8. Community benefits campaigns are **not** not-in-my-backyard (NIMBY) campaigns. The activists are arguing for equitable development, not for no- or even slow-growth policies. The activists are also not arguing for relocation of locally unwanted land uses (LULUs). NIMBYism is the unfortunate and somewhat defamatory response planners often make to demands for project outcomes and meaningful community participation in project decision-making. This helps explain the context for finding number 1.

Figure 1 shows the interaction of theory, practice, and policy in the environment of movement planning. Practice is the key mediator between theory and policy. As explained in chapter five, planning theory traditionally attempts to explain practice; and practice is the evidence used to periodically re-think theory. Planning theory has little direct interaction with public policy. Planning practice, however, can have a serious impact on policy, particularly in the context of movement planning. And policy certainly has an impact on planning practice. This is seen in the campaigns examined herein where policy barriers forced activists to use planning expertise to put pressure directly on the developers, which in turn created calls for new policy solutions (such as an inclusionary housing ordinance, for example).

Figure 1: Theoretical Feedback Loops



Overview of the Argument

The dissertation is organized as follows. The first chapter discusses the context of urban redevelopment politics, how redistribution has been forced to the municipal scale, how this has impacted development politics, and how this relates to planning practice. The second chapter outlines the conceptual framework for procedural interventions in the urban planning process at the city level. I call this the *procedural fix*, an environment in which movement planners operate. The third chapter explores how planning expertise was utilized by two community benefits campaigns in Oakland to further their agendas between 2003 and 2005. The fourth chapter addresses the methodological questions I both faced and now raise. The fifth chapter concludes with a discussion of traditional equitable planning theory and how

a movement planning theory would be situated in the tradition, including suggestions for planning practice and next steps for a movement planning research agenda.

The core issue in this dissertation is the interaction between city planning and social movements in the city, and what that intersection means for planning theory and methodologies for studying planning practice. As devolution and privatization continues to complicate Peterson's city limits thesis, land use development has become an important locus around which social movements organize to demand policy changes for economic, environmental, and social justice. Through this process the classic conflict between exchange and use values in land has also been complicated. Rather than opposing urban development projects, social movements are organizing to be stakeholders in their formulation and implementation. The debate is then shifted from a stark "capital versus neighborhood" dynamic to one over creating more democratic and inclusive stakeholder tables and using development to address social problems.

One important new social movement in the city is the community benefits movement, which seeks to build power through coalition organizing across labor, community, and environmental interests to force developers and their allies to negotiate binding and enforceable contracts concerning certain issues such as affordable housing and living wage jobs that are locally-hired. The community benefits movement is decentralized and network-based, manifesting itself as an agglomeration of campaigns around specific development projects.

In Oakland, California two community benefits campaigns were underway between the years 2003 to 2005. The Central Station Coalition organized a campaign around a 1500 unit project slated to destroy an important historic and cultural building in a low-income African-American neighborhood. The Oak to Ninth Project Coalition organized a campaign around a 3000 unit project that would occupy one of the few remaining Oak to Ninth sites in Oakland, cutting off access for several multi-racial and multi-ethnic low-income neighborhoods to parks and open space. I was a participant in both of these campaigns, although my involvement was somewhat significant in one and much less so in the other.

Oakland is a mid-sized city located in northern California. It is a historically racially and ethnically diverse community that was once home to tens of thousands of industrial factory jobs. In the period under study, it remained the site of thousands of light industrial, working class jobs despite the rhetoric of a powerful residential development industry attempting to buy up the remaining Oakland industrial land and build market-rate housing

on it. Over the past thirty years, Oakland has seen a sharp spatial and racial inequality develop. Rich white residents reside in the hills, and poor and working class residents (largely non-white) live in the “flatlands” abutting the Oak to Ninth. Due to its strategic regional location and the scarcity of housing, Oakland has seen significant market pressure to convert industrial land to market-rate residential uses. Oakland, unlike its neighbors, had no inclusionary housing requirement for residential developments during this period. As a result, developers approached the owners of industrially-zoned land and offered more than twice as much per square foot than the land is worth at its current zoning. Coupled with the mayor’s campaign for building enough new market-rate housing units to accommodate 10,000 new middle and upper class residents to the city, several large and desirable land parcels were sold to residential developers to build thousands of units of luxury housing in neighborhoods that were very poor. Few, if any, developers proposed any affordable housing units or offering jobs at living wages and to local residents.

Shut out of the planning process at the front end, community activists were left to intervene in the planning process as it developed over time in an effort to craft development plans that would serve at least some of the interests of the low-income and working-class residents living around the development sites. Neither development project discussed in this dissertation was a locally unwanted land use (LULU); the campaigns that developed were not driven by NIMBYism. Although there were some dissenters in the environmental community who preferred different uses at the sites, the community benefits campaigns that arose were about re-crafting the development proposals to serve community interests as well as those of the developers. Nearly all campaign supporters among the local residents (as well as local opponents of the campaigns) supported in principle the development projects being proposed. Oakland was a city that did not extract any community benefits from developers except when it directly offered money to subsidize those benefits, and even then the mayor and city council were reluctant to place conditions on the subsidy. In a development and governance context such as this, it requires a social movement just to force a seat at the table and work in collaboration with the project sponsors and decision-makers. Of course, the problem is that depending on the trust that is built during the campaign, there is in the end little chance at actual collaboration.

The community benefits movement is an outcome-oriented movement. The municipal planning process is simply a procedural tool that is used to create some predictability for developers and to channel public

debate in ways that mute legitimate dissent. However, the planning process does offer certain intervention points, through which outcome-oriented movements may complicate predictability for the developer and its growth machine allies among the decision-makers. The two campaigns examined here offered slightly different strategies for intervention. A legal strategy was more developed and anticipated to be needed for the Central Station Coalition. The Oak to Ninth Project Coalition used a political strategy, with a supporting legal strategy that was more of a worst-case back-up plan. Both strategies, by requiring intervention in the planning process, required city planning expertise.

I worked with community and labor activists in low-income and working class neighborhoods in the Bay Area for over five years between 2000 and 2006. One problem in combining roles as an analyst and activist is the delicate balance in making an analysis without either (1) appearing politically or personally prejudiced or biased or (2) doing damage to the political projects analyzed. So, it has been with some reluctance that I discuss campaigns I have been personally involved in. This is a strange place to be since I set out to write an ethnographic study, with a theory that planning, as a practical discipline, needed a methodology that not only used participation-observation, but that privileged the participation over the “observation.” As chapter four explains, this methodology was not a successful approach.

At the heart of the need for movement planning is the “procedural fix,” which provides intervention points for planning expertise in local development project planning. Geographers and social movement theorists have made reference to various forms of fixes, mainly in the context of the employment relation. David Harvey defines a fix elegantly as a course of action by capitalists that “reschedules crisis.” To understand fixes we have to understand the problem, or problems, to be fixed, both articulated and actual. As I see it, the problem is two-fold: capitalists have a “rational crisis”, which is typically the articulated problem, and a “political/power crisis,” which is typically the actual problem. So, we may be able to see how fixes exist and work somewhat clearly in the employment relation, but what about the “development” or “land” relation?

The City limits thesis – in relevant part, that the city is not the proper scale for economic redistribution – has been an operating political principle for pro-growth coalitions. However, in the thirty or so years since the Paul Peterson first articulated this thesis there has been a consistent and largely successful effort at devolution and privatization. Not only are localities left with nowhere to turn for alleviating the social and economic inequities

created by national policy, but they are actually expected (and even romanticized as the ideal scale in which) to deal with these issues. However, they must deal with these problems with fewer resources from higher political scales and limited abilities to raise their own taxes and revenue. This has created a sort of spatial fix that might be described as a “scalar fix”. The rescheduling of crisis comes not later or in a different spatial location, but somewhere else in the system – in this case, the city. So, where are the resources that the city has at its disposal? They lie in the city’s authority to regulate land use. At the local level, capital is invested in land, whether it be building housing or office buildings or factories or parking lots, and cities have more authority than the often acknowledge to extract resource through land use regulation.

There is a need for what I call “movement planners” as planning becomes a necessary site for policymaking in an age of devolution and privatization. At the municipal level, capital flows through land. Where cities become more responsible for antipoverty issues the need for solutions are presented in land development proposals.

So, what is a procedural fix? It is a process in which substantive demands in land development conflicts are channeled and managed for the purposes of (1) predictability of costs and outcomes for developers and (2) muting or undermining dissent. The process of fixes is important for planners to understand in general where planners are engaged in strategic thinking and planning that may be opposed by capital. Also, it is important for planners, including (maybe especially) public agency planners, to understand the interaction of forces in the political economy that may present challenges or opportunities over time.

I have heard more than one public agency planner complain that they did not understand why there was opposition to a particular project and often dismissing social movements as NIMBYism. And more than one of these planners was a high-level manager. The planning discipline has not incorporated an analysis of politics that fairly takes into account social movements for economic and environmental justice and the roles non-public agency planners occupy in those movements. In a nutshell, this type of opposition to projects occurs not because the people involved like to complain, or because they are staunchly and ideologically opposed to development or growth, or because they are selfishly concerned with their own property values, but because there are actual, organized, *and legitimate* conflicts existing over the nature and operation of the political economy. Land use regulation is *the* arena for playing out these issues at the local and

regional scales. Thanks to devolution and privatization, this is true now more than ever.

The Procedural fix and Growth Machine Adjustment

Despite legal, policy, and political changes since the 1960s, redevelopment planning continues to produce the same winners and losers. The growth machine adjusts to new rules to reach the same goals. This requires progressive opponents to adjust their tactics also. How are community activists adjusting to redevelopment planning today? What tactics are community activists using to blunt the cooption of the equity discourse by the growth machine (e.g., any urban development constitutes “smart growth”, cities and planners equating open space and recreational activities as “equity”)? Why is labor breaking with earlier alliances and increasingly opposing the growth machine? Why are legal and political options to address redevelopment abuses such failures? Is democracy helpless to counter or mitigate the inequities of neoliberalism?

The refrain commonly heard about the efforts community activists are making to counter redevelopment is that “this is nothing new.” Whether new or not, what is interesting is that there were significant legal and political changes made in the wake of the abuses and failures of urban renewal and yet the same problems recur. What does this say about the nature of neoliberalism and the urban growth machine, and what does it say about need for social movements to adjust their tactics? One problem may be in the solution; that is, the significant legal and political changes referenced above were not always that *substantively* significant. For instance, consider the following figure:

Figure 2: Examples of Ongoing Substantive Problems in Redevelopment Planning Since the Urban Renewal Period

Problem	Solution	New Problem
Direct displacement of low-income and working class residents	Procedural changes to eminent domain use	Market displacement of low-income and working class residents
Lack of input and participation from affected communities	Creation of formal stakeholder advisory committees	Input and participation of propertied interests strengthened and privileged
Environmental impacts on low-income and working class neighborhoods	Environmental review processes	Impacts considered (or not) and ignored

The excesses of Urban Renewal in the 1950s and 1960s led to reforms that were supposed to prevent them from recurring. Among these reforms were: maximum feasible participation in the Community Action Program; the use of Environmental Impact Reports; the use of formal stakeholder advisory groups; reforms to the use of eminent domain and the use of owner participation agreements; transparency acts to require city decision-making to be done in the public view; comprehensive planning requirements.

One common element among the “solutions” that lead to the failures is that they are primarily – if not exclusively – procedural. They represent a procedural fix.² Outcomes matter, and the legal and political changes made since the 1960s have done little other than tinker with process. And, as we see from the second problem in Figure 1 above, process may be used to force outcomes, but the outcomes are typically at variance with the problem that created the need for the process in the first place. The problems in the city concerning redevelopment are about power, not process. Process is a means by which growth machine interests control power.

The process of land use and development in late capitalism is one of negotiating the importance of exchange values versus those of use values. Land developers and their allies, or rentiers (Logan & Molotch), place a high importance on the exchange value of urban land. This means that the money

that can be made through the transfer and development of land is of highest importance. Residents of urban neighborhoods often favor the use value of land, in which the value of the land is determined by how it is used to build up (or tear down) the community. The rentiers typically carry the day because we live in a capitalist economy in which the rules necessarily favor exchange values over use values. However, community activists have been successful over the years in forcing debate over the use value of urban land.

Typically, there is a dance of competing rhetorical adjustments. Smart growth is a current and useful illustration. At one time “smart growth” was a term that was used to criticize the sprawling exchange value-fueled machinations of (sub)urban growth machines. Now, it is a term embraced by growth machines and used to undermine the concerns of community activists who argue for community benefits in urban infill developments. “Community benefits” is another rhetorical adjustment, a term created by activists to force political pressure on the rentiers that land developments should benefit the community. But, rentiers have co-opted the term to refer to anything from infrastructural improvements to tree planting that benefit only the high end users of market rate luxury housing projects.

This rhetorical debate has concrete consequences. Community activists are very adept at winning the rhetorical debate, but rentiers have more success at implementation. Meaning, the rentiers are constantly adjusting to the arguments made by activists, who often are quite persuasive (or at least embarrassing to the decision-makers). But, by adjusting to the activists the rentiers co-opt the rhetoric. In the end, land development is still based on exchange value to the detriment of use value.

While the rhetorical debate rages on, adjustment is sometimes results in policy reform. Here, substantive issues such as environmental impacts and community involvement in land use decision making are reduced to procedural fixes which appear to address the issue, but actually do little more than funnel discussion into predictable channels.

This dissertation is an attempt to take two such campaigns and compare their use of research and data as tools to support their *de facto* divergent strategies. It is my hypothesis that the use of such campaigns, which utilize what Robert Self might call a radical approach, is the response community organizations have made to the procedural fix, a basket of legal and political reforms that privilege the “liberal approach.” (Self, 2003, pp. 187-98) The procedural fix has left community groups facing the same outcomes as before, but this time they are deemed “involved” in the decision-making. In this sense the procedural fix has provided a political opportunity structure upon which the community benefits campaigns are

mobilized. By incorporating a framework of equitable or accountable development, community groups are able to begin to formulate their own visions for development, which can then be used to negotiate with developers. The use of community benefits agreements allows community organizations to extract concessions directly from capital, ensuring a degree of influence over the outcomes and allowing for stronger political power building. The Community Benefits Movement arises out of particular political opportunities provided by legal and regulatory permitting and planning processes – the procedural fix.

The challenge for community activists is to meaningfully intervene at the appropriate pressure points for capital. The procedural regime that has been developed as the appropriate intervention forum has been successfully used to push forward the agenda of the urban growth machine by (1) reducing challenges to process, (2) controlling the debate, and (3) thereby legitimating the outcomes as the result of democratic procedures. Communities contribute to the dynamic by playing on the growth machine's turf, but they abstain at their peril. Refusing to participate is often dismissed with a curt "you had a chance to participate and didn't, so don't complain now."

The seemingly never-ending drama of reacting to capital and opposing its proposals has not only worn heavily on activists, it has provided the incentive to be proactive. Another refrain often heard from developers and the planner allies is "where's your plan?" It is an unfair attack and not just because the plans of the community are ignored. The plans at issue tend to be project-specific and are created before even being made public. The charge also stings because activists want to make positive contributions and continually opposing projects doesn't seem or feel positive.

There are many further complicating factors in both coalitions, such as the ideological hostility of the city to equitable development, the role of labor, the internal organization of the coalition, the absence of clear organizing precedents, the situated-ness of the resident organizers, and role of lawyers. These factors deserve attention, but they are questions for future research. This dissertation examines the use of planning expertise in social movements and in an effort to expand and enrich urban planning theory.

All spatial development affects neighborhood quality of life and involves a legitimate concern for "equity planning" on behalf of the community. If we look at the issue this way we might conclude that there is no true NIMBY, but an assertion by neighborhoods of their right for "equity" – which, depending on the context, could mean community benefits, less dense uses, or simply no change at all. Thus, it would seem

that NIMBY is never a valid description of what one sees in neighborhood politics. But, it is not that simple: neighborhood politics is broader than that.

There are plenty of affluent urban and suburban neighborhoods that resist change, truly are NIMBY. Yes, their position can be seen as wanting "equity" - consideration for their personal stake in the face of the capital-driven growth machine or simply a speculative developer. But they're not seeking "community benefits" other than status quo protection for what they have. Nor are community-wide benefits for the whole city, even when affecting them, of much interest. Often they want no change regardless of redesign or compensation - particularly if change implies class (or racial) integration of the neighborhood. To consider the interests of such neighborhood as "equitable" is to undermine the issue of equity altogether. Equity is not about getting what you want; especially if you are rich and influential. The issue is what constitutes greater equity in the city and the metropolitan region, not merely the neighborhood. The concern of poor and working class neighborhoods for good jobs, investment, clean air – the things richer neighborhoods have – is about equalizing the distribution of investment so the communities that have little get more – or at least are not stuck with the uses richer neighborhoods don't want, but nonetheless benefit from.

Growth machines rarely challenge affluent neighborhoods because of their greater organization, political clout, and the fact that the influential actors are likely to reside there. Thus community benefits issues less often arise in those areas – the community so typically benefits from planning and development decisions that there is no need to call for special attention.

CHAPTER 1: Development Priorities in the Post-Industrial City

This chapter discusses the context of urban redevelopment politics, how redistribution has been forced to the municipal scale, how this has impacted development politics, and how this relates to planning practice. This chapter will trace the development of theories of urban politics and its relation to the development of urban growth machines. Redevelopment planning is explained as a product of the pro-growth orientation of urban growth machines. Undertaking redevelopment in an era of political devolution, redevelopment planning is explained as a local function that is not equipped to effectively deal with economic and social redistribution needs. This then provides incentives for public agency planners to use devices such as “fictional geographies,” property-driven stakeholder processes, and withholding or control of information to blunt the demands of community activists. This presents challenges to planning theory (as public agency planners are the implementers of the above three strategies) which will be explored in chapter 2 and chapter 3.

A: The Politics of Urban Redevelopment

In the face of political devolution and economic globalization, the political economy of urban places has become a heavily contested ground. The urban growth machine previously had strong support in urban areas, and was fueled by federal, state, and local financial support through urban renewal programs. Local residential communities were often left out of the planning of redevelopment; in fact, in many instances their removal or destruction were the target of redevelopment planning. Whereas suburbanization was an anti-poverty project in the sense that it facilitated the movement of white residents away from urban poverty, urban renewal was an anti-poverty project in the sense that it was intended to physically remove poverty (in the form of poor people and their homes) from urban neighborhoods. The tension this caused resulted in a community backlash against urban renewal, which found success in an era in which the federal government began looking for excuses to disinvest from its urban and anti-poverty programs.

Growth Machines and their Consequences for Communities

The growth machine thesis was first articulated by Molotch (1976), but later expanded upon by Logan and Molotch (1987). It holds that urban development occurs through a process of privileging exchange values of property over their use values. There exists a rentier class consisting of

developers, banks, realtors, and others with an interest in the exchange value of property. This rentier class is assisted by “auxiliary players” (Jonas & Wilson, 1999) of elite actors such as the media, academia, and chambers of commerce. These actors – rentiers and their auxiliaries – constitute the growth machine which strives to increase exchange value of property for its members. However, it does something additional and important: it works to create an ideology of growth in order to gain a sort of hegemony of progrowth discourse among a city’s residents, businesses, and politics. This is not easy, however, due to the potential of conflict between exchange and use values.

While the rentiers favor viewing property according to its exchange value, communities are more likely to view property according to its use value (Logan & Molotch, 1987; Jonas & Wilson, 1999). Put another way, rentiers view property as money while communities view property as place. This conflict plays itself out particularly in urban redevelopment. Rentiers view redevelopment as the creation of higher exchange values in a “blighted” neighborhood. Communities are often more interested in revitalizing their neighborhoods. Revitalization speaks to the enhancement of use values for the benefit of an already-existing residential community. Cities are likely to side with rentiers on this issue, not simply because city leaders may themselves be rentiers or are beholden to the campaign contributions of rentiers, but because of Peterson’s argument about the constraints on cities that provide incentives to maximize development and create larger resources for allocation. (Peterson, 1981)

The ideology of the growth machine is based largely on an assumption that “there is no alternative.” This rhetorical trick is intended to create a discourse contains dissent so that it only tinkers with progrowth policies while supporting it conceptually or else be seen as absurd. This discourse has unfortunate consequences for planning theory and practice because it prevents or provides a rationale for planners to ignore structural considerations and only tinker with equity concerns. Planners are easily manipulated here because (1) they are often employees of growth machines; (2) despite the “communicative turn” in planning, they still see themselves as experts; (3) the bureaucratic and communicative rationalists both are cynical about politics; and (4) most are professionals and consequently from middle class backgrounds reluctant to see structural defects in neoliberal capitalism.

A discussion of regime theory and its relationship to urban growth machines follows.

Regimes, Growth Machines, and Antiregimes

The community power debate focuses on the question of how decisions are made at the local level. At its simplest, the debate is between those who believe that decisions are made by an elite few, typically business interests, (the “elitists”) and those who believe that decision-making is diffuse among several, often competing, interests (the “pluralists”). This debate often was reduced to methodological arguments (see Bachrach & Baratz, 1962), and indeed there is evidence that the choice of methodology reified each school’s initial hypothesis (Hyman, Higden, & Martin, 2001). Hyman, Higden, and Martin utilized Bell, Hill, and Wright’s (1961) review of the literature on public leadership to summarize the main approaches to identifying community power structures. There are three methods: (1) Positional or Formal Leadership; (2) Nominal or Reputational; (3) Event Analysis or Decisional. The Positional or Formal Leadership method selects those persons who occupy important organizational positions. The Nominal or Reputational method identifies leaders through the perception of power – the opinions or judgments of other members of the community who tell the researcher who they think the leaders are. The Event Analysis or Decisional method seeks to identify the decision makers in specific issue areas. It is based on the idea that those who are politically influential are those who make political decisions and take action – it seeks to identify whether the structure of community power and leadership varies across issues or sectors of public making (pluralist) or whether the same people are involved (elitist) (Bell, Hill, and Wright 1961:5-33).

This methodological problem was furthered complicated by theorists studying different cities rather than applying different hypotheses and methodologies on the same cities and compare results (Hyman, Higden, and Martin, 1961). As the schools debated one another, a critique was issued that a focus on decisions that were actually made ignored the fact that there were decisions that were never reached because of the exercise of power that prevented such decisions from ever being “on the table” (Bachrach & Baratz, 1962). This charge was made in response to Dahl (1961), and is typically thought of as an elitist retort to the pluralists. It is probably more accurate to think of it as a neo-elitist critique, since it is this conceptualization of the critique ignores that Bachrach and Baratz’s “second face of power” is nearly as applicable to the elitist perspective as it is to the pluralist. However, although the second face of power may hide the

appearance of the actual elites, it does not undermine the foundation of elitist theory the way it might for pluralist theory.

The elitist school insists that power is exercised only by an elite group of citizens, typically business interests in coalition with elected political leaders, and that the room for competing interests in the decision-making process is functionally non-existent (Hunter, 1952; Mills, 1956). The pluralist school insists that power is diffuse throughout the city and is exercised by competing – or at least different – groups depending on the issue or perhaps other factors (Dahl, 1961). A classic example of theoretical contestation and development is provided in the community power debate between pluralism and elite theory. The original urban pluralists (Dahl, 1961; Polsby, 1963) sought to reject the elitist findings of Hunter. What is common to all pluralist theories is the rejection of the view that political power is highly stratified. Instead, they are agreed that power, and resultant inequities within society, should be seen to be dispersed. That is often taken as a statement both that such dispersion is a fact – and one that can be empirically validated – and also as a prescription, as a desirable feature of a modern liberal democracy. However, beyond a basic set of claims about the decentralization of power, “pluralism” rapidly fragments into a series of models or types of theory, where different “pluralisms” are apparent in different cities at different times. In part, this fragmentation is a response to comparative empirical investigations – across cities, countries, and time – but, in large part it also results from counter-responses to these findings by other theories. It is important therefore to be clear about which “type” of pluralism is being considered at what time.

While the contest between pluralists and elite theorists became even more abstruse, intense, and parallel (in the sense that both sides talked past each other, rather than engaging in a “debate” about their commonalities and divergences), their arguments became more focused, in fact, re-focused by the theoretical challenges presented by marxists in the 1970s. Marxist studies of urban politics in that same decade highlighted the importance of capital over local decision-making. The importance of marxist theory at this stage of the discussion is that it led both pluralists (in neo-pluralism) and elite theorists (in literature on growth machines) to consider the wider socioeconomic and state contexts and constraints within which local decision-makers had to operate.

Prior to the 1970s, the dominant theories in urban politics were elitism and pluralism. Elitism held simply that social and economic elites controlled the political agenda and made decisions. Pluralists held that power was diffuse, all interests had access to the process, and any interest

had a chance of prevailing at a given time on a given issue. Elitists and pluralists both privilege agency over structure. Elitists and pluralists both see individuals making decisions in a relatively context-free setting. Logan and Molotch saw these two schools as occupying an ecologist perspective that embraced neo-liberal market economics as the fundamental political-economy assumption. This gave rise to a neo-marxian critique of urban politics that has been described variously as determinist (Ferman), structural realist (Storper & Walker, 1989), and economist. In fact, the point of the neo-marxian critique of urban politics is that politics does not matter in local decision-making. It is economics that matters; or more accurately, it is political-economy structure that matters. Harvey writes (1976:289, as quoted in Logan & Molotch, 1987):

Conflicts in the living space are, we can conclude, reflections of the underlying tension between capital and labor. Appropriators and the construction faction mediate the forms of conflict – they stand between capital and labor and thereby shield the real source of tension from view. The surface appearance of conflicts around the built environment – the struggles against the landlord or against urban renewal – conceals a hidden essence that is nothing more (our emphasis) than the struggle between capital and labor.

Walker (1981:385) defines the problem as a need to understand how the city is “constructed and continually reconstituted to assure the reproduction of capital (accumulation) and capitalist social relations (holding class struggle in check).” The neo-marxian critique foreshadowed the so-called “city limits” critique. This critique was a non-marxist economic determinist perspective (Conroy 1990:18) that examined the actual structural limitations cities face as they try to make decisions (Peterson 1981; Yates, 1977). (Peterson went on later to make a more politically determinist argument about how federalism constrains urban policymaking.[Peterson, 1995]) This critique is based upon the division and diffusion of power in a federal system where national, state, and local governments have different responsibilities and capacities to act. In this critique there are three areas in which cities can make decisions: redistribution; developmental; and allocational (Peterson, 1981). Peterson argues that the city is compelled by economic necessity to compete with other cities and regions for new business and industry to increase its tax base and generate new revenues. Redistributive policies are “pernicious” and “unproductive” in the local context because they undermine a city’s competitive position. Developmental policies are also

outside the domain of routine local politics, according to Peterson, because they seek uncontested public interest objectives and require the technical expertise of professional planners and business elites. Constrained by these limits, allocational policies involving governmental services and jobs are all that remain at the local level for debate, bargaining, and discretion. Yet even within that dwindled political space cities have become ungovernable because manageable pluralism has degenerated into “street-fighting pluralism,” which Yates describes as “a political free-for-all, a pattern of unstructured, multilateral conflict in which many different combatants fight continuously with one another in a very great number of permutations and combinations.”

The neo-marxian and City Limits views of urban politics, which DeLeon describes as “pessimistic,” have generated discussion over the extent of the ungovernability of American cities. A number of recent studies have advanced more “optimistic” perspectives (Logan & Swanstrom, 1990; Ferman, 1996). These authors and many others point out that nearly all local governments have at least some degree of autonomy and room to maneuver, that economic forces are mediated by political processes, and that political leadership and skill make a difference. According to Savitch (1988), we should “envision national conditions as setting up the pieces on the urban chessboard, so that one player may be subject to more external pressure than another. One player may be better off than another. But the players have latitude. They can tap great amounts of wealth, they can control some of the most valuable land in the world, and most important, they can change things through political discretion.”

As pluralists and elite theorists responded respectively to neo-marxist studies, a new “theoretical force” – regime theory – emerged in the mid-1980s. Regime theory changes the focus of the pluralist-elitist debate from “social control” (“power over”) to “social production” (“power to”). It directs our attention away from the question of “who rules” to the question of how public purposes are accomplished and, in particular, to how long-term effective governing coalitions to achieve such purposes are constructed and sustained. In addition to directing our attention to this phenomenon, regime theory provides a framework for examining it. Stoker reveals how regime theory incorporated the central tenets of neo-marxist studies of urban politics – that power should be conceptualized “systematically,” and that business exercises a privileged position in governmental decision-making, but that within those constraints, political institutions and actors could still exert influence through complex and interrelated networks. Complexity is thus seen to be at the heart of urban governance. In these circumstances,

Stoker argues that regime theory “focuses on efforts to build more stable and intense relationships in order that governmental and non-governmental actors accomplish difficult and non-routine goals.” Ultimately, this is a diffuse focus, with regime theorists themselves acknowledging commonalities with some variants of pluralist theories. Equally, there are some similarities with neo-elite theory, and certainly neo-marxism informs a significant part of regime theory. Nonetheless, Stoker argues that regime theory is conceptually distinct from its “competitors.” As a relatively new theory it is still evolving, and in its infancy it has suffered from “the tendency of most of its main propositions to follow inductively from observation of the urban scene.” (Stoker)

Of all the institutional devices available to city leaders to help them transcend “city limits” and to leverage the gridlock of “street-fighting pluralism,” one of the most powerful is that of the urban regime. An urban regime is “the informal arrangements by which public bodies and private interests function together in order to be able to make and carry out governing decisions” (Stone, 1989). This definition implicitly acknowledges that formal structures of local governmental authority are inadequate by themselves to mobilize and coordinate the resources necessary to “produce a capacity to govern and to bring about publicly significant results.”

According to DeLeon (1992), “any structure that can produce a capacity to govern under seemingly ungovernable conditions has power. Power has many faces, of course, but usually it is conceptualized as some form of social control in which one group, organization, or class dominates another group, organization, or class through processes that range from crude coercion to subtle indoctrination.” This view captures the social control model of urban politics which conceptualizes power as the ability of interests or persons to make decisions (“power to”). Urban regime theory conceptualizes power as empowering, or the ability of interests or persons to come together to forge an agenda (“power over”) (Stone, 1989).

Stone’s social production model also explains why, once entrenched, urban regimes are hard to change. If the collective goals set for a regime remain the same, if its social production performance is adequate, and if alternative institutional means do not exist, the regime can become impervious to external threats. The archetype of such an entrenched urban regime is found in postwar Atlanta, where a unified business elite worked closely with local government leaders to shape that city’s physical and economic development. Any city government that gives high priority to these development goals will be compelled to sustain business-centered

regimes that can deliver the goods – literally. With few exceptions, progressive efforts to restructure such regimes are likely to be frustrated if they alienate business elites and lead them to withdraw their resources and coordinative capacity from the public sector. According to Elkin (1987), “a reputation for being antibusiness, for not listening to local businessmen’s schemes for making a greater city, is an invitation to fiscal trouble that even the hardiest progressive politicians are unlikely to be anxious to accept.”

The prototypical conflict in urban politics has for decades pitted partisan political organizations against nonpartisan, good-government groups calling for the reform of City Hall. Political machines consolidated their political power through patronage, attention to the demands of competing ethnic groups, and the provision of government services through partisan channels. Reformers uncovered misappropriations of public funds, promoted civil service recruitment by merit criteria, and sought to standardize the distribution of services to all parts of the city.

The standard interpretation of machine-reform conflict has been in terms of a class model of local politics. It has been stated most persuasively in terms of the conflicts between the “ethos” of the machine, as representative of working-class immigrants, and the “ethos” of reformers, who represented upper-class businessmen and professionals. The issues that divided machine from reform were rooted in two political cultures competing for dominance in the urban North. On the one side, the Catholic immigrant, whose culture emphasized family, neighborhood, and friendship ties, treated politics as another marketplace in which particularistic, self-interests could be pursued. On the other side, the middle-class Protestant, reared in a milieu that delineated man’s individuality, separateness, and equality before God, understood politics to be the pursuit of “justice,” the ground upon which one created a “city on the hill” that would radiate its worth to the surrounding countryside.

Mollenkopf (1983) contends that “progrowth coalitions” were erected in American politics in the postwar era. Domestic urban development programs were the principle means through which the modern Democratic Party was created. Progrowth coalition building became a central feature of national as well as local politics. Fundamental to the idea of a progrowth coalition is that political entrepreneurs can bring together widely different, competing, even conflicting political actors and interests by creating new governmental bases for exercising new power none of which these actors and interests otherwise could have exercised on their own.

Logan and Molotch (1987) believe that local conflicts over growth are central to the organization of cities. Their approach stresses not only the

economic imperatives of the larger system but also the strivings of parochial elites to make money from development and ordinary people to make community a resource in their daily lives. This approach diverges from the neoclassical economic approach, which they consider “overly deterministic,” and from the neo-Marxian approach, which they see as considering development as “inexorable.”

Progressive challenges to progrowth regimes are faced with a “very large cognitive and motivational order” because a significant number of citizens must believe that (1) a new regime would be “superior and workable,” (2) an alliance could be assembled to sustain such a regime, and (3) short-term interests are worth sacrificing to meet long-term collective goals in a new regime that does not yet exist (Stone; DeLeon). To achieve regime transformation, it is necessary, but not sufficient, to dismantle the old regime. The failure to establish a new regime can lead to the creation of the “wild city” (Castells, 1983) or an “antiregime” (DeLeon, 1992). The wild city consists of movements of resistance, such as urban populism, environmentalism, and neighborhood mobilizations, which “seize and colonize bits of the city but not the city itself” (DeLeon). These urban social movements are unable to control the world that produced the symptoms against which they react, “they simply shrink the world to the size of their community.” These social movements become at most “reactive Utopias” whose leaders can envision fragments of an ideal urban future but are politically incapable of working together to make it come true (Castells). This wild city interrupts progrowth regime continuity by creating what DeLeon calls the antiregime.

DeLeon defines the antiregime as “a transitional political system that is capable of imposing limits on market processes and the private sector but is incapable of mobilizing those same resources to serve progressive goals” (1992:8). It is this process that DeLeon claims occurred in San Francisco during the 1970s and 1980s that resulted in shifting power between the city’s progrowth coalition and the progressive opposition to it. The antiregime is not simply a regime opposed to progrowth policies, but represents an instable governing era in which the progrowth coalition is challenged by progressives, but not successfully enough to establish its own progressive regime.

The opposition to the progrowth regime is often described as *progressive* (DeLeon, 1992; Clavel, 1986; Dreier, 1996). DeLeon (1992) defines progressive politics by extrapolating from the voting patterns (both spatially and by constituency) of a city reputed to be progressive (San Francisco). Clavel (1986) defines progressive politics through the use of common

strategies of different progrowth oppositions. Conroy uses a theoretical perspective (post-marxism) to understand politics of a progressive city that recently elected a socialist mayor (Burlington, Vermont). For Conroy (1990), progressive politics does not mean an opposition to growth, but a different conception of how the costs and benefits of growth are distributed. Conroy talks of *radical politics*, which could be thought of as analytically distinct from progressive politics (the opposition of the Greens to the Sanders Administration suggests that it is distinct), but the radicals in Burlington referred to themselves as *progressives* – this suggests that we should consider the term progressive broadly and in local context, as does DeLeon. Dreier (1996) describes how a progressive regime governed in a large city (Boston) during the 1980s, and shows how the strategies described by Clavel for regime-building in small and medium sized cities can work in a major city with a history of intolerance. These examples show us how progressive politics opposes progrowth regimes and, in some cases, develops into regimes themselves. However, before turning to social movement organizations we must understand the urbanization process, how this organizes the city, and the effect it has on local politics.

Urbanization

The division of labor and its relationship to the spatial arrangement of the city is the driving force of urbanization. This relationship (i.e., that of the division of labor to urban spatial arrangement) can be understood through firm location (Scott, 1988), urban finance (Logan & Molotch, 1987; Harvey, 1999 [1982]; Leitner, 1994; Warf, 1994), suburbanization (Sugrue; Scott), and racial segregation (Massey & Denton; Sugrue, 1996). The city is spatially arranged according to industrial location patterns informed by the division of labor (Scott, 1988). Residential location patterns follow industrial location patterns for most workers. Executives appear to reside throughout the region, but workers tend to live close by their place of employment. Plants that employ a vertically disintegrated form of organization tend to locate in the center to utilize subcontracting and other opportunities of external economies. The vertically integrated plants tend to locate on the periphery. These peripheral locations attract residents due to the desire of workers to live near their place of employment, and, due to lower housing costs, attract residents who are executives or otherwise have the capacity to commute via automobile to the center or other parts of the region. Over time, these peripheral locations may become centers themselves, and thus may be better able to utilize external economies. These peripheral areas are currently described as post-suburbs or edge cities

(Garreau, 1991). It is unclear whether this phenomena represents areas that are in transition from periphery to the center or whether we are witnessing a new metropolitan form. In any case, cities are produced and reproduced through the division of labor, which drives industrial location, which drives residential location, which then drives the demand for cultural, educational, and community institutions.

This process is not simply a product of market forces. Government policy, considerations of finance, and racism all play a role in shaping the division of labor, industrial location, and residential location. Jackson (1987) describes the role that federal policy played in providing the subsidies and incentives necessary for widespread residential suburbanization. Harrington (1977) suggested that this process was "neo-Stalinist" and that, if properly understood, should have offended political liberals and conservatives alike. These federal incentives and subsidies also facilitated the mobility of industry to suburban and "Sun Belt" locations which, as Scott (1988) might note, was necessary for the residential suburbanization to occur. The consequence to central cities was dramatic (Sugrue, 1996; Mollenkopf, 1983; Hartmann, 2002). Central city areas lost significant numbers of middle class residents in a relatively short period of time. Jobs were lost as plants relocated to the suburbs or other regions. This disinvestment in the cities provided more need for services at a time of evaporating streams of tax revenue. The response of the federal government was to create incentives and subsidies for redeveloping urban areas that would reinforce the city's role as a growth machine (Logan & Molotch, 1987; Mollenkopf, 1983). As Mollenkopf and Hartmann demonstrate, the growth machine played an active role in re-designing and re-imagining places in the city. As a result, entire neighborhoods were erased from existence (Gins; Hartmann, 2002) or re-created in ways that dramatically affected residential and commercial patterns (Mele, 2000; Hartmann, 2002). The bias of this process of redevelopment was in favor of capital (Weber, 2002). Its consequence, if not its purpose, was to remove lower class residents and replace them with wealthier residents, which in turn would create the market for higher end commercial opportunities. It also created the political threats that mobilized urban social movement organizations.

The Politics of Redevelopment

Ever since the urban renewal programs of the 1960s displaced thousands of low income and working class persons from their homes, neighborhoods, and communities to make way for high income residential, commercial, and retail uses, urban redevelopment planning has been an

important locus of urban political contestation in the United States. Public decisions were made to “renew” urban areas without the input of the low income residents that were to be directly affected by these decisions. Entire neighborhoods were razed, residents were dispersed with little or no compensation, and property was transferred to higher income uses. Finally, residents started to organize and mobilize to demand a voice in redevelopment planning. In the decades since participation mechanisms were adopted and implemented by cities and states it has become clear that there is no one community voice – even in seemingly homogeneous neighborhoods. Conflict arises between classes through participation, and often takes on a racial dimension.

Urban renewal was a federal program (or more accurately, a penumbra of programs) that encouraged cities to redevelop through financial incentives. It was created initially in the Housing Act of 1949. Cities began “renewing” in the 1950s, although it was not until the 1960s that urban renewal became more widespread as a tool for urban revitalization. This was essentially an elitist program, both in development and implementation (Hartmann, 2002). Although Dahl (1961) uses redevelopment in New Haven as one of his issue areas in understanding pluralism, what was at work there was something more akin to a stratified pluralism or permeable elite (Hyman, Higdon, and Martin, 1961) in which only a limited group of players actually made decisions. The leadership of Herman and Logue in San Francisco and Boston redevelopment, respectively, was premised on an elite idea of decision making (Mollenkopf, 1983; Hartmann, 2002; Logan & Molotch, 1987).

Eventually, the autocratic style of leadership in both of those cities encouraged a pluralist response from the grassroots (Mollenkopf, 1983; Hartmann, 2002; Castells, 1983). After the clearance of neighborhoods such as Boston’s West End and San Francisco’s Western Addition 1, grassroots community reaction took on urban renewal and the redevelopment agencies. This created a type of pluralism which later degenerated into a street-fighting pluralism (Yates, 1977) or wild city (Castells, 1983) in San Francisco. Both of these ideas are versions of hyperpluralism which holds that “government is immobilized by multiple, strong, and conflicting interest groups [that are] so decentralized and pluralistic that [they] have trouble getting anything done (Hyman, Higdon, and Martin 2001:216).” The typical problem with hyperpluralism is that none of these groups will “take no for an answer” (ibid.). In Boston, a more functional type of pluralism reigned in the reaction to urban renewal, not only because of the way its community’s organized themselves, but because of the state and city investment into the

organizing and advocacy infrastructure (Sklar & Medoff, 1999). The pluralist reaction to urban renewal was assisted by the neo-marxist critique that argued that urban renewal, indeed urban development in general, was an elite process that had no direct benefit to poor and working people and their neighborhoods. Interestingly, the neo-marxist critique left little room for agency and might have discouraged pluralist participation from the grassroots. The fact that participation intensified was perhaps one reason that Castells moved from a structural Althusserian analysis in *The Urban Question* to an essentially post-marxist analysis only ten years later in *The City and the Grassroots*.

In any case, it is important to note that it may be confusing to use terms such as elitism and pluralism to describe the process of and reaction to urban renewal because of the tendency to use those terms to describe decision making authority in general. It is safer to think of urban renewal as being a process that tended to have an elite form of decision making, and the reaction to urban renewal tended to take on a more pluralist form of decision making. And it is important to note that the pluralist reaction did not necessarily make the redevelopment agency decision making pluralist, but the redevelopment elites eventually were forced to respond to the reaction and even to incorporate it into the decision making process in one form or another (Hartmann).

How redevelopment operated within the larger decision making process in cities is perhaps better understood through the progrowth coalition and growth machine literature (Logan & Molotch, 1987; Molotch, 1976; Mollenkopf, 1983; Hartmann, 2002). The analytical difference between the progrowth coalition and the growth machine is essentially the former's focus on politics and the latter's focus on economics (Davis, 1990). At a high level of abstraction, the basic form of decision making is elitist. Since almost no one was arguing that city's should not grow, the ultimate urban ideology was uncontested. Bachrach and Baratz (1962) might think this an example of the second face of power, confirming their thesis that even if we see pluralist-like governing going on the fact that some things (like the desire for growth) are not open for discussion demonstrates that an elitism is at work. However, this level of abstraction is probably too far removed from reality to have any significant explanatory power over the operation of urban politics. One thing that forced growth to be important across the spectrum was Peterson's city limits argument. Cities were constrained by federalism to operate only efficiently at the allocational level. It was imperative that they support development (which largely had to be done privately) because growth would bring in new sources of revenue

which would expand the city's ability to operate at the allocational level. Redistribution, according to Peterson's thesis, could not operate efficiently at the local level. Redevelopment was one important way that the city could support development.

B: Creating Policy Agendas by Challenging Redevelopment at the Project Level

By the turn of the 21st Century, devolution³ and privatization⁴ had forced the debate over social, economic, and environmental justice down to the municipal level. At this level, these issues play out in urban redevelopment projects in which the city may intervene to impose conditions directly on capital (in the form of development capital). New economic justice movements have emerged in cities that seek to impose conditions on projects to (1) meet certain immediate outcomes in jobs, housing, and other social goods and (2) to build momentum for more equitable policy at higher governmental scales. This is one way that community activists are taking devolution and using it to build political urgencies and constituencies for policy at the state and federal levels.

The land use conflicts of today are not necessarily about land use. They are often more about the social, economic, and environmental issues facing communities in urban areas than the intrinsic merits of individual land use development projects. While some continue to argue over use value and exchange value, increasingly we see conflicts over how land use regulation can be used to address the equity issues that the federal and state governments have abandoned in recent years. For sure, this is not an entirely new phenomenon. The inclusion of affordable housing and local hiring for construction jobs have long been demands made on urban redevelopment projects. However, those previous demands were isolated from one another and concerned the redistribution dilemma of urban renewal. They were not, for the most part, strategies to build cross-community, multi-racial progressive political power and to support calls for policy reform at higher political scales. According to the nonprofit Partnership for Working Families the "vision is to see this movement mature, achieve greater victories, increase local community organizing capacity, and shift development decision-making at the local, state, and federal levels so that quality jobs, affordable housing, clean air and water, and other social outcomes are the goals of development."⁵

Postindustrial Urbanization

The postindustrial political economy refers to the structural changes made to the U.S. political economy in the postwar era, which became particularly pronounced after 1970 and include a confluence of (1) economic globalization, (2) neoliberal politics, (3) capital mobility, and (4) flexible specialization and other post-fordist firm organizational strategies.⁶ Often, there is a conflation of these terms, but they are distinct phenomena. Together, they create the postindustrial political economy.

Postindustrial restructuring created crises for both labor and urban communities in the years after 1970. The resultant neoliberal globalization has changed the political economy in ways that block opportunities for social change, through such things as lower national labor and environmental standards, privatization of government services, decentralization, and a general sense that “there is no alternative.” Labor and community organizations have increasingly worked together since the postindustrial restructuring to forge an “economic justice” social movement centered on an “equity”-based political and social agenda. With little recourse available at the national and even state levels, labor/community coalitions have intervened at the local level to apply pressure through the two avenues that remain within local law-making authority: (1) the discretion of cities to apply standards to those with whom it contracts services and (2) land use planning, development, and permitting processes.

Globalization creates pressure on labor and communities by privileging investor rights over social welfare. Neoliberal rhetoric privileges privatization and decentralization, which make cities a new battleground for exacting social benefits from developers and (indirectly) from capital. However, since land use authority continues to reside at the local level and it represents a pressure point for social change, activists can apply pressure at the land use regulation scale to exact public benefits from private developments – and indirectly from capital to labor and community. This is accomplished by the development of a discourse of equity in which developments should “benefit” the “community,” hiring should be “local,” “subsidies” should be “accountable,” and wages should be “livable.”

There are two logics at work in this theoretical framework. The first is a logic of neoliberalism/globalization that (1) unsettled labor and community norms – both spatially and socially – from the industrial era, (2) cut off traditional (e.g., redistributive policies) opportunities for social change at higher scales (such as the nation-state), and (3) opens up innovative (e.g., challenging land use permitting) opportunities for social change at lower scales (such as the city). There is a related logic of social movement formation to this process in which (1) pre-postindustrial

restructuring-era movements aimed at higher scales become fragmented by blocked opportunities and the organizational stress placed on labor and communities, (2) opportunities for coalitional meta-movements are opened up at higher scales, but take on specifically local organizational forms that cultivate and exploit local political influence, and (3) incorporate research and planning to create and justify a discourse of values and action.

The transition to the postindustrial political economy pitted regions of the United States against one another as capital fled the pro-union, community-oriented Rust Belt for the anti-union, individualist-oriented Sun Belt. The consequences for labor and community organizing were divergent. Rust Belt reaction revolved around retaining manufacturing jobs which were the base of urban industrial cities. Strategies included attempts at collective ownership and innovative uses of eminent domain. Sun Belt reaction was one of reception to the new jobs, which drove the demand for development to house migrants needed to fill the new jobs. Land in the Sun Belt was largely undeveloped, and capital was able to remake the landscape to maximize profit in ways not easily done in the dense and well-developed Rust Belt.

Neoliberal politics gained traction before the 1980 presidential election, the point which many commentators use to explain a change in attitudes about governance. The tax revolts of the late 1970s may have stronger explanative force, but even they took organizational and rhetorical strength from Southern claims of states' rights in the 1950s and 1960s and the local reaction to racial integration seen in the North and West during the late 1960s and 1970s. In 1976, neoliberal Carter was elected president. The shift towards a more unregulated economy did not go unnoticed among traditional liberals, as evidenced by Kennedy's 1980 primary challenge to the president. The consequences of the shift to neoliberal politics is the devolution of social responsibility from higher scales that are better able to address redistributionist problems to lower scales that are largely unable to address these problems (Peterson, 1981). An opportunity in this scheme is that along with devolution of responsibility comes an opportunity for influencing decision-making at the local level.

The reaction to deindustrialization and plant closings in the Rust Belt took a form of organizing that privileged labor, but began to incorporate community organizing techniques (Bluestone & Harrison, 1984; Lynd, 1982; Portz, 1990). Labor strategies failed throughout the 1970s and 1980s, and new forms of coalitional organizing began to take root in the Northeast around revitalizing depressed urban areas. These efforts began to take on issues of affordable housing, health care, electoral reform, and occupational

health and safety. The high wage working class jobs were largely gone, but new low wage jobs were being created. A strategy to organize around low wage jobs was needed.

In the Sun Belt, high wages came in the form of defense industry jobs (Markusen et al., 1991). These jobs were professional, not working class. The accompanying nonprofessional jobs were low wage ones. The professional class was hostile to unionization (and in many cases may not have enjoyed the protection of the law because of the “supervisor exemption” under federal labor law), and labor turned early to the low wage sector (while Rust Belt labor continued to focus on high wage manufacturing jobs).

In the last several years, labor and community groups have been organizing against big box retailers locating in their communities. The prototypical big box retailer in these campaigns is Wal-Mart. Wal-Mart is company known for its anti-union stance and behavior, its low prices that reportedly drive local shopkeepers out of business, its demands upon public resources (such as instructing its employees to apply for state health insurance rather than providing it to them), and the large “footprint” its stores leave on the environment. Wal-Mart represents the low-wage, hostile-to-labor, sprawling, and heavy-handed operation that many labor and community groups oppose. While these organizations have tried in vain to work on a policy level to prevent the negative consequences of big box retailers, developmental options have presented them. Labor and community groups are organizing through planning, development, and permitting avenues to promote their social equity agenda.

The issue is not simple, however. There is conflict over whether big box developments are good for communities and workers. The ideology of the postindustrial political economy includes the rhetorical power of TINA (“there is no alternative”), which has considerable influence over the decision to support or oppose big box developments. One argument is that low wage jobs are better than no jobs. Related to this argument is that big boxes offer 40 hour work weeks, so that low wage workers holding two or three part-time jobs can make the same money without the stress of navigating multiple jobs. Another argument is concerns consumer benefit. Prices are so low at big boxes that low income communities can buy products they otherwise could not afford.

The issue of whether big box developments are good or bad for communities is debated within the communities themselves (as opposed to being merely the arguments that the corporations or governments make), makes the use of anti-big box campaigns less problematic, not more, in

looking at the economic justice movement. That is because the debate on “economic justice” is much more nuance and sophisticated than one defined as simply capital versus community (or labor). How development issues are supported or opposed by which interests (working class or middle class, e.g.) can tell us a great deal about where the economic justice movement is influential, when certain strategies are successful, and how the solutions to the problems are created, modified, and (dis)connected to both ideal and practical matters.

Table 1: Scale Alignment on Economic Justice Issues

Issue	Pre-1980 Policy Scale	Post-1990 Policy Scale	Peterson's Ideal Scale
Low wage jobs with no health benefits	Federal/Corporate	State/Local	Federal
Workers have no rights or voice on the job	Federal	Local	Federal
Lack of affordable housing	Federal/State	Local	Federal
Lack of park/open space in urban neighborhoods	Local	Local	State/Local
Toxic pollution from bad development is damaging our health	Federal	Local/State	Federal/State
Creation of sprawl and unlivable neighborhoods due to lack of proper land use planning	Local	Local	State
Developer-friendly land use planning process that prioritizes sales tax revenue generation over community benefits	Local	Local	State
Large public subsidies provided to developer with non return to the community	State	Local	State/Federal
Large national chain stores destroy local small businesses, lower job quality standards, increase traffic congestion, and provide no incentives to strengthening the community's long-range well-being	Local	Local	State/Federal
Development that is not situated near transit facilities perpetuates vehicle dependency and increases personal transportation expenses	State	Local	State

Understanding Redevelopment Politics in California

Conceptually, redevelopment can be thought of as a basket of tools used to facilitate land recycling. Redevelopment, as a generic term, refers to the legal, political, and financial ways in which public and private interests work together to re-use, re-build, and re-engineer urban land. The Community Redevelopment Law (CRL) is the legal code that governs and regulates redevelopment activity in California. The CRL authorizes cities and counties to create redevelopment agencies (RDAs) that can identify

blight, use tax increment financing, buy and dispose of real property, and use eminent domain to acquire and assemble land parcels. Redevelopment operates on the principle that, due to *blight* or *obsolescence*, certain urban neighborhoods face barriers to revitalization that the market or the government cannot alone address. Therefore, public intervention into markets with the participation of capital is necessary to accomplish the elimination of blight or the upgrading of uses from obsolete to productive.

The purpose of the law is to provide affordable housing, jobs, business opportunities, safe and healthy communities. The intent of redevelopment, however, is to facilitate new development. (It is not to facilitate new development in blighted neighborhoods; it is to facilitate new development, period. *Blight* is simply the justification for employing the tools of redevelopment.) The driving forces in redevelopment are capital and the state (in this case, as manifested in city or county government – however, the State of California is in many ways a silent partner in this effort since redevelopment provides “new” revenue streams that help mitigate demands for state assistance to cities, as well as creating a pot of revenue that the state can access to address its own fiscal crises as necessary). Redevelopment is a framework for capital and state to collaborate on new development. The motive for capital is higher rents. The motive for the state is increased tax revenue.

Redevelopment could be used to either revitalize or gentrify a neighborhood. Revitalization refers to the provision of public services and physical improvements to benefit the already-existing residents of a neighborhood. Gentrification refers to the provision of public services and physical improvements designed to attract new residents either at the expense of the already-existing residents or without regard for the needs of the already-existing residents. It is in the interests of capital and the state to gentrify rather than revitalize, and the evidence thus far is that redevelopment has largely been used to facilitate gentrification.

There are two different eras of urban redevelopment in California. I call these two distinct periods First Era and Second Era redevelopment. The First Era was the 1950s-1970s urban renewal era which was a highly elitist strategy that involved physically clearing entire blocks and people from cities and, although often speaking to commercial projects, rested on the assumption of the city in the industrial political economy. The Second Era arose out of the failures of the 1st in which growth machine planning abuses blew up into fierce community battles over use values. The Second Era begins also in the realization that the American industrial city is a thing of the past and that the political economy is now postindustrial. Whereas the

political rationale for First Era redevelopment was the elimination of blight, the rationale for Second Era redevelopment is making productive use of obsolete urban sites.

This rationale for Second Era redevelopment is complementary to calls for Smart Growth planning. As a result, the growth machine has moved on from controversial plans to raze existing buildings/blocks/neighborhoods and has looked to vacant or obsolete parcels with an infill strategy to convert the working class industrial city into the middle class residential and amenity city. Smart Growth becomes an operating principle – or at least a primary rationale – for growth machine developers and allies to blunt community opposition to (or concern about) major development projects. This combination of Second Era redevelopment realities, growth machine development opportunities, and Smart Growth rationales, leave low-income communities little political leverage. The new growth machine redevelopment strategy provides mixed-uses, more housing, transit-oriented development, environmental remediation, and urban beautification. It just does so in a way that increasingly privileges middle class newcomers at the expense of low-income residents.

Social and Economic Issues of Concern to Communities

The issues of concern to residential communities in redevelopment can be organized into three categories: (1) Housing; (2) Economics; and (3) Environment. California is a wealthy state with limited supply of housing relative to demand. Housing prices have risen significantly – and constantly – since the mid-1990s. Although rents have fluctuated more – and have at time come down – it is expensive to rent a house or apartment in both states. The CRL provides several important mechanisms to address the housing issue. The CRL requires an affordable housing fund. The first 20% of TIF collected be directed to a Low and Moderate Income Housing Fund. Redevelopment agencies must then use the Housing Fund to produce, preserve, or maintain affordable housing units in the city. Cities may increase the amount of the set-aside.

The CRL sets out production housing requirements. Fifteen percent of all housing units built in a redevelopment area must be affordable to low and moderate income households. The agencies have the discretion to produce the units in the manner they see fit. A related, but separate requirement concerns replacement housing production. California redevelopment agencies are required to replace affordable housing units that

are lost during the tenure of the redevelopment plan. Once again, agencies have the discretion to produce the units in the manner they see fit.

Redevelopment project areas have an inclusionary housing requirement. Housing projects that are carried out by redevelopment agencies or receive subsidies from them must include a minimum percentage of units affordable to low and moderate income households. A number of these units must be affordable to low income households (to ensure that not all inclusionary units are built for moderate income households). Finally, there are homeownership programs. The CRL, which generally prohibits the use of TIF for programmatic uses, does allow redevelopment agencies to create and pay for programs designed to increase or assist homeownership in a district. Types of homeownership programs may include subsidies or loans to potential buyers or programs designed to meet the specific needs of low and moderate income tenants in the district in making the transfer to homeownership.

There are some concerns about how the housing provisions of the CRL operate in real life. First, there is great concern among many that, despite recent amendment to the CRL confiscating Housing Fund money from agencies that do not use it, very little of the housing set-aside money is put to use producing new units. Second, because agencies have such wide discretion about where and when they will produce new and replacement affordable units, decisions about planning and building these units sometimes appear to be deferred indefinitely. Third, the inclusionary housing provision only applies where redevelopment agencies are the developer or subsidize projects. A developer refusing direct subsidy from the redevelopment agency is under no obligation to provide affordable units.

Perhaps the most important community issue area – arguably, it is second behind housing – is what might be generally considered “economics.” Communities understand district-based redevelopment to be a strategy to facilitate economic development for distressed neighborhoods. As a result, residents are concerned with the inequitable consequences of development in their neighborhoods. From this perspective, redevelopment should be an economic development strategy that is (1) fair to the existing residents of the neighborhood by providing them job opportunities and career ladders, jobs at living wages, small businesses opportunities, and retail services that reflect community needs and (2) effective in the sense that public investment be planned and implemented in a way that correlates with development realities.

One of the most important concerns of low-income urban (and rural) areas concerns the degree to which the land, groundwater, and air is

polluted. Tax increment financing (TIF) brings the promised of additional money dedicated to a particular area which could be used to clean-up contaminated toxic sites. California has addressed this issue by adopting legislation popularly called the Polanco Redevelopment Act which gives redevelopment agencies additional powers to deal with environmental contamination.⁷

CHAPTER 2: Using Planning Expertise to Confront the Procedural Fix on behalf of Social Movements in the City

Planning is the materialization of the societal structure of power and privilege.
Robert Beauregard⁸

The core issue in this dissertation is the interaction between city planning and social movements in the city, and what that intersection means for planning theory and methodologies for studying planning practice. This chapter outlines the theoretical framework for examining how economic justice movements in the city access and utilize urban planning processes to further their agendas.

The campaigns discussed herein utilized city planning expertise in the face of what I call the “procedural fix” — a political and legal planning process that directs and restricts public input on development projects—to support their community benefits campaigns. It argues that the procedural fix limits public input to *commenting* on projects designed by developers and city officials and actually prevents community groups from playing a meaningful role in the planning of projects in their communities. Specifically, it looks at two community benefits campaigns operating in the same city during the same period of time and describes how each campaign used the procedural fix to support specific their tactical and strategic objectives.

In 1981, Paul Peterson famously argued that cities should not engage in redistributive policies because they were ill-equipped to do so (Peterson 1981). He maintained that cities should be limited to pursuing developmental and allocational policies, and that redistribution policies should be left to the federal government.⁹ Peterson’s argument, which federal government involvement over local government involvement, conflicted with the rise the “New Federalism,” — a conservative political movement rooted in the notion that cities and states are best positioned to deal with redistribution policies. In the twenty-five years since Peterson articulated his argument, the political forces supporting the New Federalism have gained ascendancy and radically reshaped the responsibilities of the

federal government through political devolution¹⁰ and privatization of public resources and services (DeFilippis 2004; Harvey 2006).

Today, as devolution and privatization continue to complicate Peterson's City Limits thesis,¹¹ land use development has become an important locus around which social movements organize and demand policy changes for economic, environmental, and social justice (Peterson 1981). The rise in land use-focused social movements reflects the classic conflict between "exchange" and "use" values in land development (Logan & Molotch 1987). Today, social movements organize not just to oppose urban development projects, but to become stakeholders in the formulation and implementation of development projects. This change has shifted the land use debate from a one about "capital versus neighborhood" to one about how to create more democratic processes that will bring diverse stakeholders to the table to address the social problems created by development (Reynolds 2002).

A: Procedural fix

The procedural fix is the basket of procedural reforms that have taken place in the development arena since the end of the First Era and—in California—particularly with the advent of the Second Era. These reforms are designed to address criticism of the elitism of pro-growth urban regimes. They have given rise to new and complex set of procedural rules for redevelopment. For example, notice requirements, comment procedures, and environmental review reports can all be considered procedural fixes.¹² While the reforms were originally designed to make projects "better" through providing information and to give residents an opportunity to "have their day in court," they are often predicated on a pro-growth philosophy. I argue that, in effect, procedural fixes facilitate urban development projects and redirect community opposition into a false legitimization of projects. Specifically, I argue that because procedural fixes create a dichotomy of pro-growth versus no-growth, they prevent compromise by forcing community groups to try to stop development projects through legal stalling techniques at the expense of corroboration.

Given the large number of procedural fixes in place today, community activists must learn how to meaningfully intervene in the planning process and develop their own plans to pressure developers. However, community groups are often less knowledgeable about the planning process than

developers. As a result, the procedural regime is employed by the urban growth machine to: (1) reduce community challenges to process, (2) control the debate, and (3) legitimize the outcomes of the planning process (i.e. arguing that a particular outcome is legitimate because it was the result of democratic procedures). Because the mere presence of community groups in the planning process may be used to legitimate an unwanted project, community groups are sometimes hesitant about participation. However, communities groups that refuse to play on growth machine's turf during the planning process, abstain at their peril as a group's refusal to participate is often dismissed and conflated with opting-out of the process.

B: The Notion of the Procedural fix in Social Theory

Scholars have identified fixes in areas such as metropolitan spatial organization (Harvey 1982; Soja 2000; Hackworth 2007), the construction of prisons (Gilmore 2007), gentrification (Smith 1996) and the employee-employer relation (Harvey 1982; Silver 2003). This section discusses three types of fixes in the field of employment relations — the technological fix, the organizational fix, and the spatial fix— and explains how these fixes are relevant to the field of land use. The employment relation is used here because it is a clearer analogue to the land relation.

The technological fix refers to the creation of new technologies that reduce labor hours and allow for reduced workforces, and thus lower labor costs. (Silver 2003) The organizational fix refers to the internal reorganization of the workforce to reduce labor costs. It is sometimes used interchangeably with the technological fix, because both are predicated on increasing productivity, but it is probably better to think (at least in today's economy) of the organizational fix not reducing labor hours, but reducing workforces and increasing labor hours for those remaining. Anyone who survived a mass layoff round in Silicon Valley in the past six years will recognize the organizational fix. The spatial fix – not surprisingly, a favorite of geographers – refers to the threat (or actualization of the threat) to move production facilities to places where labor costs will be lower. (Harvey 1982; Soja 2000; Hackworth 2007)

In order to understand how these three theories relate to the field of land use, it is important to understand the work of David Harvey. Harvey (1982) defines a fix elegantly as a course of action by capitalists that “reschedules crisis.” This is an important observation since fixes do not address the root causes of the problems, which lie with certain contradictions in capitalism as well as between capitalism and democracy. In fact, fixes are designed specifically to avoid the root causes of the problems.

To understand fixes we have to understand the problems, both articulated and actual, that need to be fixed. The primary problem is two-fold: capitalists have a “rational crisis,” which is typically the articulated problem, and a “political/power crisis,” which is typically the actual problem. The rational crisis is that costs need to be lowered to benefit shareholders with increased profit and consumers with lower prices. The political/power crisis is that owners and their managers are facing or perceiving challenges to their power and need to reassert control over the means of production. Harvey focuses on the political/power crisis – that of containing labor militancy – but the problem is often articulated and rationalized by capitalists through the rational crisis. This is important because it is in the articulation of the rational crisis that capitalists obtain external political support. This, in turn, helps build political support for capitalists with their political/power crisis by linking labor militancy with raising prices, lower profits, and an inability to conduct business. As workers are also consumers and sometimes even investors, the linking of the two problems helps create cleavages within labor and complicate organizing efforts. While it is clear how fixes work in the context of employment relation, we must apply the concept to the “development” or “land use” context.

To understand fixes in the development context, we must first explore the city limits thesis. (Peterson 1981) The city limits thesis – in relevant part, that the city is not the proper scale for economic redistribution – has been an operating political principle for pro-growth coalitions for decades. However, in the twenty-five or so years since the Paul Peterson first articulated this thesis there has been a consistent and largely successful effort at political devolution and public resource privatization. Today, localities have nowhere to turn to alleviate the social and economic inequities created by national policy. As a result, cities today are often forced to deal with issues of economic redistribution despite the fact that they have fewer resources and limited ability to raise their own taxes and revenue. This has created a sort of spatial fix that might be described as a “Scalar Fix.” This means that the crisis¹³ is simply rescheduled to reappear somewhere else in the system at a different political scale.

Because cities have limited resources but are often land rich, they have been forced to resort to the sale of land to raise much needed funds. At the local level, capital is often invested in land and property in the form of office buildings, factories, or parking lots (Harvey 1982). Cities are able to raise revenues by extracting resources through land use regulation. This has given rise to a need for what I call “movement planners” – planners

embedded in social movements, providing expertise and research in support of organizing campaigns – as planning becomes a necessary site for policymaking in an age of devolution and privatization. At the municipal level, capital flows through land; and, as cities become more responsible for providing the funds necessary to address antipoverty and other issues, they often seek funds from land development proposals.

C: The Fix in the Land Relation

This section examines the problems and deficiencies of the procedural fixes in the land use and planning context. It argues that, in the context of city planning and land relation, the procedural fix has become nothing more than a process by which the substantive demands made by community groups during land development conflicts are channeled and managed for the purposes of: (1) providing predictability of costs and outcomes for developers, and (2) muting or undermining dissent.

The process of fixes is important for planners to understand in general where planners are engaged in strategic thinking and planning that may be opposed by developers. Also, it is important for planners, including (maybe especially) public agency planners, to understand the interaction of forces in the political economy that may present challenges or opportunities over time. The use of fixes in the land use context is especially important for planners to understand. The political dynamics of the fix must be acknowledged and understood by planners lest they conflate neutrality and expertise with the interests of capital. A fix purports to offer a rational method for dealing with conflict. But, in fact, it is an intentional effort to delay or “reschedule” crisis. Planners that do not critically challenge or assess the fix will inevitably take one side (capital) against the other(s) while deluding themselves into thinking that they are simply remaining neutral or objective.

The fix is not just an analytical tool for scholars, it has real consequences for the practical world. While procedural fixes often appears to operate as a rational and neutral process—particularly when justified by the articulation of the “rational problem”—the terms of the debate tend to be stacked in favor of the interests of capital. In order to work in the public interest, planners must understand that many fixes are ideological rather than neutral tools. Before they taking sides and partner with capital in the name of “the public interest” they should also understand that they may be working against the interests of labor and the community.

Public agency planners are often heard dismissing social movements as simple or selfish obstructionists. Opposition to projects often occurs not because those who oppose the project like to complain, or are selfishly concerned with their own property values, but because there are actual, organized, and *legitimate* conflicts existing over the nature and operation of the political economy. Land use regulation is *the* arena in which these issues play out at the local and regional scales. As a consequence of devolution and privatization, this is true now more than ever.

This is not to say that any law or regulation is a fix, but that the planning processes that exist today largely serve the interests of capital over the interests of community and labor. These processes exist to deflate and control opposition to the interests of development capital. Their goal is to “reschedule crisis.” For these reasons, they represent a fix. The problems of inequality, environmental degradation, and the like are intended to be dealt with at other scales of governance or other points in municipal policymaking—but *not* on a particular project in which capital invests. One important complication today is that devolution and privatization have worked to “reschedule crisis” back down to the project level, and the procedural fix is being “hijacked”¹⁴ to force policy changes by economic and environmental justice movements.

D: What the Procedural fix Looks Like in Practice?

The procedural fix has created a series of intervention points in the planning process. These points provide the public with an opportunity to try to impact the development entitlement schedule for a particular project.¹⁵ However, in order to use the process effectively one must understand: (1) when intervention points will happen, (2) how important each intervention point is and how intervention points relate to one another, and (3) what opportunities each intervention point provides. However, understanding and employing the intervention points to advantage is no easy task. Many large development proposals are complex and involve a myriad of development approvals and permits. Sometimes, approvals and permits can be done simultaneously, or as a “package.”¹⁶

The next section looks at two large redevelopment projects that were proposed in Oakland the early 2000s. It examines two community coalitions that were formed to extract community benefits directly from developers. It highlights how the two groups sought to negotiate an enforceable community benefits agreement from the project’s developer and examines

the substantial research and data that each campaign used to frame the discourse and meet the needs of its strategic approach.

E: Community Empowerment and Problematic Experiences from Redevelopment in East and West Oakland, 2000-2004

Redevelopment project areas in West Oakland and Central City/East Oakland were adopted in 2003. These are new projects and were adopted through processes that were (or should have been) informed by the mistakes of the past. But what was at work here was an elitism tempered by the capacity of the project area to respond. Despite the fact that there were indigenous calls for redevelopment in each area (by the business community in East Oakland and by some community activists in West Oakland), the decision to redevelop was made at a high level in the city's bureaucracy after initial consultations with representatives from the business communities. In many ways, this decision to redevelop appears to have been made by a classic elite-style urban regime process. However, California law now requires a degree of public participation that was not required in the days of urban renewal. So the city was forced to negotiate with representatives of the project areas during the planning process. But since these representatives were not provided any legal means to veto the process (although held some persuasive political power because councilors did not want to support a plan opposed by the representatives) and since the discourse of inevitability reified the belief that the "redevelopment train was leaving the station," there was no serious opposition to redevelopment itself. The planning process (from formal initiation to plan adoption) took more than three years in West Oakland and about a year in East Oakland. Planners in Oakland used at least methods to control the planning process of redevelopment: fictional geography; property-driven stakeholder participation; withholding of information.

F: An Operational Framework for the Procedural fix

There are two components to the procedural fix framework in urban planning. The first is a legal/political component. The second is a planning component.

The legal/political component is comprised of the use of ritualized and complex political processes designed to address the complaints of critics, provide due process, and provide certainty of expectations for developers. Planners use three main tools to manage land use conflicts. These tools are the use of fictional geographies, the use of property-owning stakeholder processes, and the control of information.

The legal/political processes are highly specific and local, but in general they contain these functions: notice; review; hearings; and approval. Notice is an official process that alerts interested parties that a land use project or change is being requested. Review is an evaluation of a project based upon certain subject matter considerations. There are many examples of review, the most notable being environmental, which will be discussed at some length below. Other examples include historical (required to ensure there is no conflict with historical, cultural, and related requirements) and land use (required to ensure that appropriate zoning and comprehensive and other plans are consistent with the project or how a change would affect them). Hearings are public events in which any interested party is permitted to raise concerns, pose questions, or offer support to a project proposal. Finally, approvals are the decision points in which a legislative or administrative body permits the project to move forward to the next phase of the process.

Despite the use of scoping meetings and other vehicles for public input on the design of redevelopment projects, these tools are not available for public actors to use to actually design private projects. They can serve as measures to test public reaction to different designs and to evaluate the likelihood of political success; consequently, they are tools that savvy developers are likely to make more use out of than public authorities.

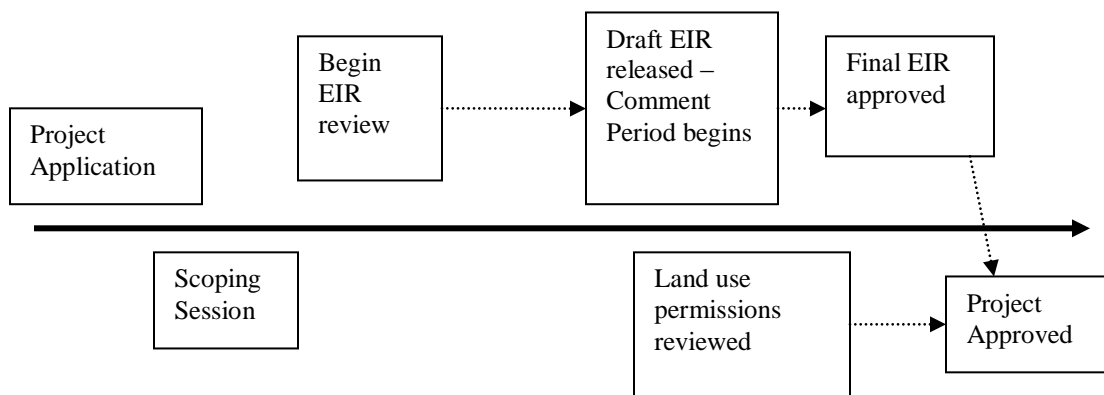
G: Overview of the Process – Where are the intervention points in the process?

Intervention points are (typically) scheduled points in the planning process where the opportunity for public input is either sought or available. The Oak to Ninth proposal was complex and had to go through a myriad of development approvals and permits. However, many – if not most – of these approvals and permits were scheduled to happen simultaneously, or as a “package.” The types of approvals the development required for this proposal included: a general plan amendment, a redevelopment plan amendment, a development agreement, rezoning, and a planned unit development permit.

There are two types of interventions: procedural and direct. A procedural intervention refers to the opportunities legally provided to the community to intervene in the decision-making process. A direct intervention refers to political actions the community takes to wield power and create influence. A rally is an example of a direct intervention. Other procedural interventions include written testimony, litigation, and referenda.

The following is an example of the expected procedural intervention points that utilize public hearings in front of decision-makers and their formal advisory bodies in Oakland as of the summer of 2005, when the Oak to Ninth project was beginning the development approval process. Additionally, there are two other intervention points (pre-application and scoping) at the very beginning that allow the opportunity to frame a project or the way in which it will be evaluated. Figure 2 shows the order of events that were required in the development approval process. In fact, the order of events did not always go exactly as shown in the figure, but this timeline is a good example of the development approvals process that large redevelopment projects must undertake in Oakland during this time period.

Figure 3: Illustrative Planning Timeline



The first opportunity for a procedural intervention is the pre-application hearing, which had already occurred by the time the Oak to Ninth Community Benefits Coalition was formed. The pre-application hearing, which often is poorly attended by the public (typically, public agencies or attorneys representing abutters or others with specific financial

interests), is the first step of the public participation process in any large development. It is usually the first opportunity for the public to hear from the developer about the proposed plan and from city agencies about their interest in or opposition to the project. The public has an opportunity here to weigh in on projects whose details are not yet decided upon by the project sponsors. This is an opportunity for community organizations to help frame the eventual project plan.

After the pre-application hearing, a project sponsor (typically, the developer) files an application package with the city to get the necessary development approvals necessary to build the project. The next opportunity to intervene is also an opportunity for the public to frame how the project will be evaluated in the environment review process. This is the scoping meeting. The scoping meeting is a public hearing which is typically attended by public agencies that have potential regulatory jurisdiction over a the proposed project. However, any member of the public may participate and make both oral and written comments on the scope of the environmental review that will be conducted under the California Environmental Quality Act (CEQA). Different projects will impact the environment in different ways. The scoping meeting is conducted to ensure that all the expected areas of impact are properly studied in the environment impact report (EIR). This is an opportunity for the public to stress certain areas of impact (for instance, air pollution which will impact asthma rates in a neighborhood) that the city or a developer may not emphasize.

The third opportunity for a procedural intervention is the public hearing on the Draft Environmental Impact Report (DEIR), which might occur as much as a year or more after the scoping meeting depending on the size and complexity of the project. A hearing is not required under CEQA, but is common practice in Oakland.¹⁷ This hearing typically takes place during the comment period, In Oakland, it was customary for the hearing to take place towards the end of the comment period. The hearing is similar to the scoping meeting in that both oral and written comments can be accepted. Like the scoping meeting, this hearing is to take comment only – there is no opportunity for debate or questions-and-answers.

The public hearing on the DEIR takes place before the Planning Commission. In the Oak to Ninth project, rules of engagement were decided upon before the hearing due to the heightened public interest. Individual members of the public were given two minutes to speak. In the past, organized community stakeholders have been given a chance to make a presentation itself as a way of packaging its comments. The Oak to Ninth Community Benefits Coalition was given this courtesy as well.

There is one important advisory board that weighs in on large redevelopment projects during the approval process. The Landmarks Preservation Advisory Board holds a hearing on the potential historic and cultural impacts of projects, typically before the comment period for the DEIR is complete. The LPAB is a strictly advisory committee, and not a subcommittee of the Planning Commission; it is comprised of its own membership. However, its charge is to advise both the Director of City Planning and the Planning Commission. (Planning Code 17.05.090). So, its input can be valuable.

The next interventions are final hearings, approvals and appeals . After the comment period is complete there is a Planning Commission hearing on the Final Environmental Impact Report (FEIR). This hearing presents the FEIR along with responses to all comments made, both oral and in writing. The Planning Commission formally certifies the FEIR, and this is done at a public hearing. The process will be essentially identical to the one used at the DEIR hearing except that this time the Commission will vote to approve or reject the findings of the EIR. Any member of the public can appeal the Commission's approval of the EIR to the City Council. This appeal must occur before one may initiate litigation regarding the EIR.

The Planning Commission's certification of the EIR may be appealed to the City Council within ten days of the Commission's decision as long as the appeal is done in writing and accompanied by the appropriate fee. Planning Code 17.158.220(F). In its review of the appeal, the City Council shall consider whether: (1) There were procedural or substantive errors below; (2) The decision is supported by sufficient evidence; (3) Sufficient findings were made below; or, (4) There was other error or abuse of discretion below. Planning Code 17.152.180 A. The appeal hearing will not be a *de novo* hearing, which means that the Council may sustain, modify or overturn the Planning Commission's decision without conducting a new hearing from scratch. The City Council's decision shall be in writing and shall be supported by findings. The public will have an opportunity to comment during the hearing. This hearing is essentially a *pro forma* requirement for opponents to exhaust their administrative remedies and thus save their litigation rights. It is unusual that the Council would overturn or even modify the Commission's decision, especially considering the way the project and its approval process is managed by redevelopment and planning staff.

The Environmental Impact Report must be approved by the City before the development approvals can be heard. This does not prevent the City from doing them at the same meeting – as long as the EIR is approved

first. It is possible that the informational and feedback round will take place during the comment and response periods prior to the hearing on the FEIR. In this case, the package could be heard at the same meeting and immediately following the certification of the FEIR.

The next steps in the process (some of which may occur contemporaneous with the CEQA timetable) occur through the committee structure of the Commission and the Council for final adoption of the development approvals. First up is the Design Review Committee of the Planning Commission. The proposal must be considered by this committee before it is heard by the full Commission. At this point, the project sponsor (in this example it was Oakland Harbor Partners, or “OHP”) would have submitted its project applications (which are distinct from the environmental review application it submitted to commence the CEQA process) and the requested and needed development approvals would have been packaged to move together through the process without the need for multiple hearings on individual approvals.

The package of approvals must be considered and recommended, not recommended, or modified by the Commission before the Council can consider them. The Commission can choose to hold over the package for an additional meeting to take further public comment if it chooses. The development approval package is then conferred to the Council with the Commission’s recommendations. The Council sends the package to its Community and Economic Development Committee. The package of approvals will be considered and recommended, not recommended, or modified by the Committee, a four-person subcommittee of the City Council. These approvals must be considered by the Committee before the Council can consider them. The Committee can choose to hold over the package for an additional meeting to take further public comment if it chooses.

Finally, the City Council holds its first hearing on the development approvals for the project. The Council is the ultimate decision-maker on the proposal. Large and complex redevelopment projects, such as the Oak to Ninth project, often require legislative approvals in the package, such as a General Plan Amendment, rather than simple administrative approvals. Legislative action requires the Council to hear the issue twice before a final decision can be made. This can happen in two consecutive meetings, as long as the issue is properly noticed. The City Council’s second hearing is the last opportunity for public comment on the proposal before the City’s development approvals are decided. Once the Council makes a final decision, there are only two options: litigation or referendum. For litigation,

an opponent will have had to ensure that standing is met, issues were properly raised during the process, and all administrative remedies were exhausted. Opponents can put development approvals up for referendum only if legislative action was required. A general plan amendment or rezoning can be the subject of a referendum; a zoning variance cannot.

There are typically additional opportunities for procedural interventions after the City Council approves the project, but they will occur outside the City processes and may or may not be weak avenues for intervention. Such opportunities include the Bay Conservation and Development Commission (BCDC) and the State Lands Commission (concerning projects that are subject to the Tidelands Trust, such as Oak to Ninth). The decisions that will be made here are necessary for the project to be built, but will be made once the project is entitled. That is, these intervention points occur sometime after the City Council's second hearing.

H: Challenges of Process: Notice, Review, and Analysis

Not providing adequate notice: The case of the Crystal Bay Casino project

In 2004, members of the Lower Lake Rancheria Koi Nation presented a proposal to develop a resort-style casino in Oakland. This complicated the already-complex development entitling process because the sponsors were a federal-recognized Indian tribe attempting to take advantage of a 1993 federal law allowing gaming on Indian land.¹⁸ So, in addition to the local development process there would be a federal one – or, so many assumed. Finding out how the process was to work was not an easy one. The one federal approval process many understood was the National Environment Policy Act (NEPA), the federal analogue to CEQA.

Members of community and advocacy groups were used to local planning processes, which included roles for the Oakland Planning Commission and the Oakland City Council and their subcommittees. This, in turn, presented them with opportunities for public hearing and comment on projects in addition to issues of environmental review. The U.S. Department of the Interior held a scoping meeting held on December 15, 2004 at the East Oakland Senior Center. About the only thing right about this scoping meeting is that it was held in the nearest affected neighborhood. No presentation was made about the project. Presentations are standard operating procedure for scoping meetings in the City of Oakland. The one-page information sheet on the project gave the public no important information, but referenced attachments that were not available at the

scoping meeting. The facilitator of the scoping meeting refused to answer any questions from the audience about the decision-making process – and there were many such questions posed.

The failure of explaining how the development approval process would unfold was fatal to the project itself. Three city councils, including Oakland's, passed resolutions opposing the project. Although based on certain assumptions about the negative impacts the project would have on their communities, the resolutions were all based on fear of the unknown – and this included the roles these communities would have – or would not have – in the process. In the end, the Koi Nation withdrew the proposal without having ever really made the case for it to residents or the impacted cities. Their apparent strategy to keep the process squarely in the federal realm to limit the ability of the public to defeat the project was itself a fatal one.

Environmental Review and Public Input

A state law called the California Environmental Quality Act (CEQA) requires the City of Oakland to prepare a document describing the environmental impacts of a project). This document is called the Environmental Impact Report, or EIR. It is a highly technical and complex report; the Oak to Ninth EIR was expected to be three volumes (and it was). A project subject to CEQA and requiring an EIR cannot be approved for construction until the Planning Commission approves the report. There are two public versions of an EIR:

- (1) the **Draft EIR (DEIR)** which is released first and circulated for comment – this is the version that the community can comment on; and
- (2) the **Final EIR (FEIR)** which is released after comments are taken, considered, and responded to, and is not circulated for comment – this is the version that the city (or relevant public agency) will formally approve or reject.

The EIR is an informational document. The city is not required to change the project based upon the information in the EIR, but it may use this information to place certain conditions on the developer and the project before construction may proceed. However, if there are errors in the way the EIR is prepared or presented, the stakeholders that have preserved their legal rights can sue the city.

In a nutshell, the EIR is only required to consider physical impacts by the proposed project upon the built and natural environments, such as traffic, air and noise pollution, and toxic contamination. Although community

activists continue to maintain that EIRs may, and in some instances must, consider the social and economic impacts of projects, the government officials are more likely to maintain that such impacts are “policy” questions which do not belong in EIRs.

Since the EIR is an informational report, there are important ways in which the community can provide input. The law requires a minimum 45 day comment period for a large redevelopment project. The comment period is the time in which the city collects written and oral comments on the project from the community. It begins on the day the DEIR is publicly released, and ends anytime from 45 to 60 days afterwards. Every comment must be read, considered, and responded to by the city. The responses to the comments, along with the comments themselves, will appear in the FEIR for approval.

Although neither state nor city law requires one, the Oakland Planning Commission holds a public hearing to collect oral comments from the community. In the hearing, every person who wants to address the Commission with his or her concerns about the DEIR may do so. Speaking time is typically limited to two minutes, but if there are a lot of people wanting to speak the Commission has been known to reduce the time to one minute per speaker. Written comments are also collected during the comment period. There is no limit to the length of written comments. Only those written comments made before the end of the comment period must be responded to. The city may consider comments made after the end of the comment period, but is not required to do so.

Once the comment period is over, the city reviews and considers both the written and oral comments. Then, it begins the process of responding to them. The city must respond to every comment it receives during the comment period. However, the city can group responses to similar comments, and may simply report that a particular comment is outside the scope of what needs to be considered in an EIR under CEQA. For comments that highlight problems that the city must legally address, the response to the comments might be new language and analysis in the EIR. Responses are reported only in the FEIR; individuals will not receive personal communication from the city concerning their comments. For a project as large and complex as Oak to Ninth or Central Station, the process of responding to comments can take three months or more. The FEIR is released once all the comments have been responded to and any additional analysis and writing is completed. At this point, the Planning Commission holds another public hearing – this one required by CEQA – to approve or

reject the FEIR. Once the FEIR is approved, the city may issue all the other development approvals the project needs.

Anyone may appeal the findings of the planning commission to the City Council within ten days of the FEIR hearing. The Council will then hear the appeal at its next meeting. After the appeals process is complete the city will issue a Notice of Determination (NOD), which formally declares the EIR to have been approved. Anyone who wishes to challenge the approval of the EIR in court has thirty days from the issuance of the NOD to do so. There are two important requirements for suing: (1) the person or organization suing must have objected to the EIR during the Comment period and (2) the issue that is being raised in the lawsuit must have been raised by somebody – although not necessarily the person suing – during the Comment period. If these two things are true, then the person has *standing* to challenge the EIR in court. These factors can have - and did have in both Oak to Ninth and Central Station – important consequences for community strategies to negotiate for community benefits. As will be discussed in the next chapter, saving one’s litigation rights in this process can serve to undermine the trust necessary to work out an agreement with the developer over campaign goals. It can also provide the necessary leverage to force the developer to the table. The stakes are high, and the correct tactics must be implemented. If the developer refuses to bargain and the city council refuses to act to meet the campaign’s goals, litigation may be the last resort. And it is no small expense to do so.

The review process rests on an assumption that good decisions about projects will be made if there is good information. The EIR is intended to provide that information to the decision makers. It is a vehicle for good decision making, and the review process is in place to ensure that all appropriate concerns are addressed. However, this process fails when the EIR is treated as an obstacle to development approval, and tough questions are avoided to ensure passage.

The futility of impact analysis: Methodology or Measuring so to not find impact

In the Oak to Ninth EIR, the City found a clever way to sidestep an important – perhaps the only important – requirement in CEQA to evaluate the social and economic impacts of a project. Their consultants used a methodology that found no impacts. However, the question of whether the methodology is the correct one the use. Despite this, under the law, the city did exactly what is required of them. The DEIR even states that the urban decay discussion was optional because case law only requires it with big box

retail and “category killers.” DEIR IV.J-33. This way, they look like they are going above-and-beyond what is required because members of the community – including the Coalition – asked them to do so during the scoping period. *Id.* However, the statement of law in the DEIR was, in fact, incorrect. The Bakersfield case did not hold that urban decay analyses are required only in “unique” circumstances, such as big box retail. *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184, 1212 (2004)[hereinafter “*BCLC*”].¹⁹ In that case, and in the Anderson case that followed it, big box retail was at issue and the court claimed that it was incredulous that the city would claim that there was no reasonably foreseeable secondary impacts. *Id.*; *Anderson First Coalition v. City of Anderson*, 130 Cal. App. 4th 1173 (2005).

California courts had recently held that while social and economic impacts of projects are not in and of themselves required areas of analysis under CEQA, *BCLC* at 1205, the secondary (or indirect) physical impacts of projects which are reasonably foreseeable are required areas of analysis under CEQA. *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo*, 172 Cal. App. 3d 151 (1985). To the extent that social and economic impacts from the project create or compound secondary physical impacts, these social and economic impacts must be addressed and considered in the analysis. *BCLC* at 1205. This issue is framed in the case law as *urban decay* (as distinct from *urban blight*, which has specific legal meanings in California redevelopment law). The concern about urban decay is that market pressures from new retail (and commercial) development will contribute to existing firms going out of businesses. While CEQA is “not a fair competition statutory scheme,” *Waste Management of Alameda County, Inc. v. County of Alameda*, 79 Cal.App.4th 1223, 1235 (2000), the law is concerned with the physical impacts associated with firms going out of business. These physical impacts may be the deterioration of existing buildings which cause public health and safety concerns.

The question in the Oak to Ninth DEIR is not whether the city conducted an urban decay analysis, but whether such analysis was sufficient. The city conducted an urban decay analysis (DEIR IV.J-33-35; Appx. D-2), but the methodology used is inadequate for reaching any conclusion about the impact of the project on urban decay. The city used an aggregate-level expenditure analysis to determine that there is lack of retail space in Oakland compared to the demand as evidenced by leakages to outside communities. It assumed that households spend a certain amount of money on certain purchases and that there were distance ratios that could be applied to certain types of consumer purchases that could inform on how far people will travel

for certain goods. These assumptions were used to (1) demonstrate that there retail spending leakages outside Oakland, (2) that these leakages were evidence of demand for Oakland retail, and (3) that the residents of the Oak to Ninth project, which constitute a net gain of consumers in Oakland, will likely consume the on-site services while residents of the surrounding neighborhoods will continue to do the same. The conclusion that the city makes from this aggregate-level analysis is that demand outweighs supply, and so all retail space must be at capacity. But the numbers – or at least the interpretation of the numbers – belie reality. A simple windshield survey of the neighborhoods surrounding the project will contradict the city’s conclusion.

The reason the city’s conclusions are at variance with reality is that its analysis does not consider the impact of the Oak to Ninth project on specific, pre-existing retail (and commercial) developments. The reasons residents of any city patronize retail services are more complicated and nuanced than the assumptions used in the DEIR would have the reader believe. Instead of doing an aggregate-level expenditure analysis, the city should have looked at specific pre-existing retail investments to gauge the extent to which they will be impacted by the retail uses in the Oak to Ninth project. For example, the city could have considered the Fruitvale Transit Village. This project is the result of years of city and community planning and federal, state, and local investment. It is intended to be a catalyst project for the revitalization of the Fruitvale neighborhood, as well as “smart growth” project that encourages non-automobile traffic through pedestrian-friendly mixed land uses with access to public transit. At the time of the DEIR, the project was operating at less than capacity. This reflected an actual demand that was at variance with the assumptions and conclusions about demand made in the DEIR. If Oakland was underserved by retail, then why were businesses not locating – indeed, some had already gone out of business – at the Transit Village? Will the existence of competing retail at Oak to Ninth make the continued viability of the Transit Village unlikely, and thereby leading to its disuse and physical decay? Will the retail at Oak to Ninth likewise find a lack of demand resulting in physical decay at the project itself?

In any case, the city should have examined the indirect impacts the project would have on not only the Transit Village, but other retail and commercial developments in the nearby neighborhoods (including whether this would extend to the retail portions of the project itself, instead of just assuming that retail will operate and thrive there simply because of anticipated new residents). The aggregate-level analysis was so flawed that it could be used to prove that the Fruitvale Transit Village was filled to

capacity, but a simple visit to the development would have shown otherwise. And city officials were very much aware of this fact as the Transit Village was such a high-profile accomplishment for the city and for the President of the City Council personally. If a development like the Transit Village cannot fill up its space, and indeed businesses there had failed already, the methodology used by the city to conduct its urban decay analysis must be treated with skepticism. The evidence used by the city to draw its conclusions must plausibly *in fact*, not just in theory, lead the reader to that conclusion as well. The city did not address the problem of retail decline in Oakland. It merely asserted that there was not enough retail, based on the fact that Oaklanders are spending so much money outside of Oakland, without an explanation of why a retail center such as the Transit Village had so many vacancies.

I: Public Agency Planner Tools to Control the Debate

The planning component of the framework consists of the three tools of fictional geography, property-driven stakeholder participation, and withholding and control of information.

Fictional Geography

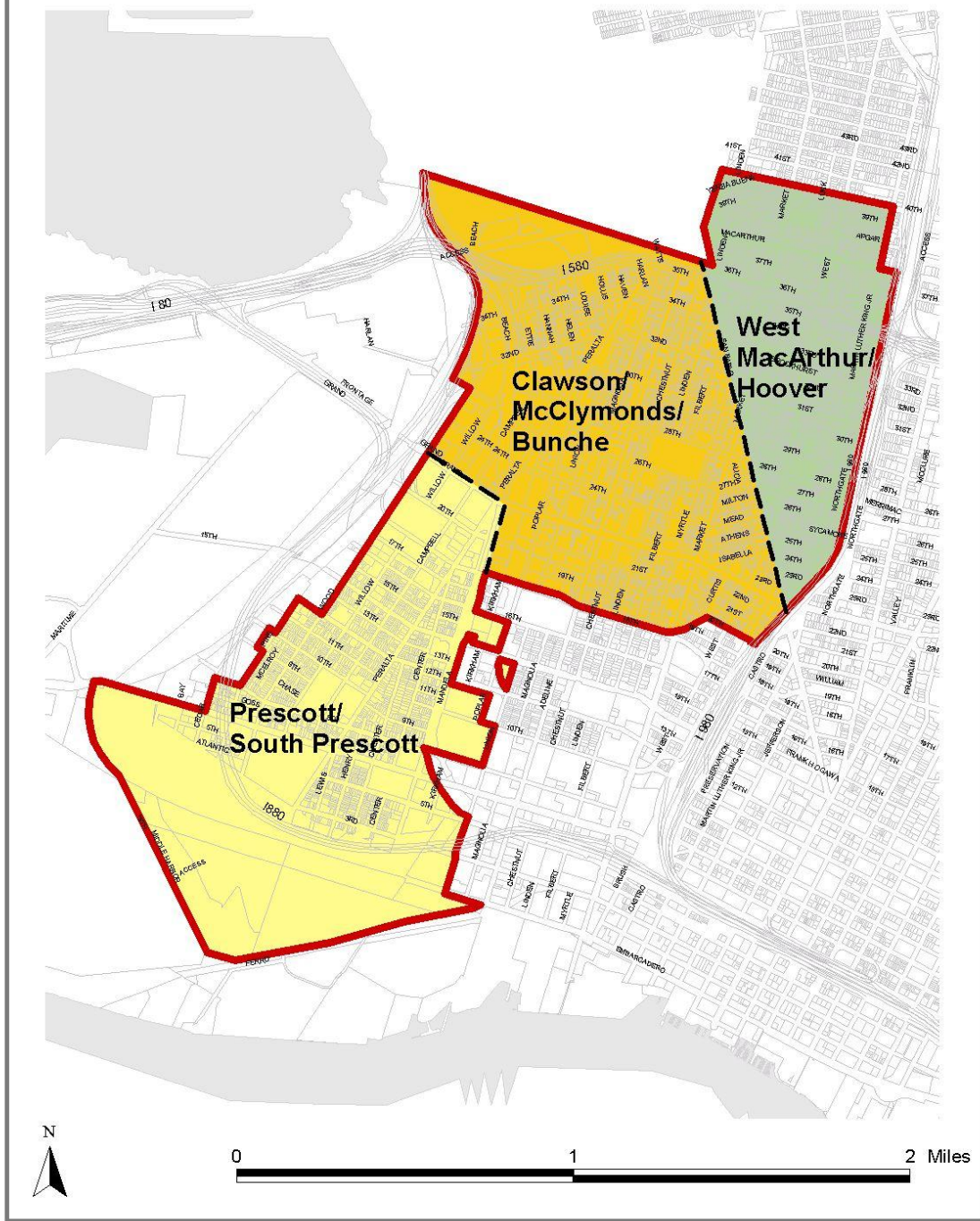
While classic examples of redevelopment disasters of the past (e.g., Boston's West End and San Francisco's Western Addition) occurred in recognized community geographies, Oakland chose to use fictional geographies for its current redevelopment projects. In both of these cases, it is important to identify the geographies as project areas rather than neighborhoods. Neither project area was a discrete neighborhood, or even a logical grouping of neighborhoods. The West Oakland project area was roughly a "greater West Oakland" geography, but many folks from the western part of the area thought that the eastern part was actually North Oakland. This identity problem created some friction among community members during the planning process, but it was not as significant a distraction as it might have otherwise been because residents understood that there was a perception that West Oakland was a neighborhood that was "inside the freeways" and for that reason they had some experience in understanding their common interests in dealing with the city.

Central City/East Oakland project area was an entirely fictional political geography. It cut across five city council districts (West Oakland was entirely within one city council district) and sliced through discrete neighborhoods such as Fruitvale and Lower San Antonio (the discrete

neighborhoods with the West Oakland project area were largely included intact). In any given neighborhood or council district redevelopment was only occurring in a part of it. This made it difficult for any community organization or city councilor to take ownership of the process and provide leadership. As a result, it was difficult for any given activist or political leader to see redevelopment as an important enough issue that he or she should devote dear time and resources to.

The Central Station campaign had the theoretical advantage here, dealing with the holistic “Greater West Oakland” neighborhood. Reference was made to the African-American diaspora in the East Bay, which had its historic or mythic origins at the West Oakland Central Station site itself. This allowed the campaign to create a “cognitive” geography (Sugrue 1996) in which the dispersed black community in the East Bay could claim the Central Station site as part of its own neighborhood. The strategy was ingenious in generating sympathy and support, including political support. It was in this context that former U.S Representative Ron Dellums agreed to provide what proved to be compelling testimony in front of the Oakland City Council, resulting in victory for the Coalition on some of its affordable housing goals for the project.

West Oakland Redevelopment Project Area



Source: Oakland Community and Economic Development Agency

For the Oak to Ninth campaign, the problem of the fictional geography of the Central/East Oakland Redevelopment Project Area provided some flexibility in obtaining political allies for their agenda, in as

much as four City Councilors represented at least part of the project area. The campaign, respecting the political reality of the project area designation, created its own sort of fictional geography. While the Central Station Coalition created a cognitive geography around the African-American diaspora and the central role the site played for that community, the Oak to Ninth created a second physical fictional geography that was more targeted around their site. The Coalition viewed the neighborhood to be those low-income neighborhoods that were closest to the site, and viewed the project area as simply a planning and financing tool designed to facilitate the needs of the developer. Impact was considered to be greatest on the abutting neighborhoods.

One thing problematic about this was that the project area was designed in such a way so that the Oak to Ninth site itself would generate tax increment revenue for use in the far east end of the project area, which was extremely low income and suffered serious crime problems. The black merchant class of the far east end was instrumental in creating the project area, and was concerned that the benefits of redevelopment would not, in fact, flow its way. This created a tension between black merchants in the far east end and Latino and Asian communities that lived next to the site.

Central City East Redevelopment Project Area



Source: City of Oakland, Community Economic Development Agency
Map produced by the Urban Strategies Council, September 2003

Property-driven Stakeholder Participation

The official public participation process utilized in both project areas was the Project Area Committee (PAC). The PAC process was institutionalized in law in the early 1990s after major amendments were made to California's Community Redevelopment Law in response to perceived abuses of eminent domain and lack of transparency and participation by local redevelopment agencies. According to the CRL, the redevelopment agency must create a PAC for a project area if its redevelopment plan will allow the use of eminent domain over residential housing in a neighborhood consisting largely of low and moderate income residents. A PAC is a stakeholder process that requires elected representatives of three constituencies: business owners; property owner

residents; and tenant residents. Also, “organizations” must be represented, but may be appointed by the city. In both project areas, the city of Oakland took the path of least resistance and created PACs (even though it was highly unlikely that there would be eminent domain over any residential housing in either project area) and distributed the seats on the PACs in equal proportions by constituency.

The inclusion of organizations on the PACs was done in a way to privilege homeowner associations. As a result, in West Oakland, an area in which nearly eighty percent of the residents are tenants and low income, the PAC was composed of two-thirds propertied interests and one-third non-propertied interests. (If organizations are factored in, propertied interests have an even larger proportion because a majority of them are homeowner and business organizations.) The result of this method was to have two PACs representing very poor areas that were concerned only with increasing property values and the wildly unrealistic goal of turning thousands of very poor renters into homeowners. In West Oakland there was some organized opposition to the PAC as undemocratic (to which at least two members of the Planning Commission, who were concerned that redevelopment was being used only to help property owners, agreed at a public meeting). In East Oakland, where the business community had lobbied the city for redevelopment, the PAC rubber-stamped the redevelopment plan and allowed a fast track adoption process to occur before many residents of the project area even knew what was happening.

This phenomenon is directly related to the organizing strategies of the campaigns. Their missions were based on creating power for the disenfranchised voices in their communities. The PACs were often arguing for the pro-developer position against the campaign goals, although there were some instances of individual PAC members supporting the campaign goals, particularly in West Oakland. Both campaigns operated in an environment to provide a voice for the non-property owning stakeholders, while creating alliances with the property owning stakeholders.

Withholding or Control of Information

It is perhaps a truism that the only real power planners have is in their ability to control, distribute, and withhold information. The city of Oakland had a reputation among many community activists that it normally refused to provide adequate and necessary information on neighborhood planning and development issues. This perceived information hoarding was a bigger problem in East Oakland redevelopment than it was in West Oakland redevelopment, but only because the activists in West Oakland were adept at

demanding information at the threat of causing disruptions to the process (which relates to the fictional geography question). West Oakland was also able to rely on outside allies in the nonprofit and academic sectors to help craft effective strategies to obtain information. Still, the business community received far greater attention and information from the city than did the residential community. In East Oakland, a few poorly advertised and attended meetings were held by the city to explain redevelopment. The city hired a consultant who admittedly knew little about the law and almost nothing about the city's intentions to explain the process to the community. This created an information hoarding on two levels. First, the poor outreach that was done for the meeting prevented the community from receiving information about the meeting itself. Second, the hiring of a consultant ignorant of the issues to inform the community prevented even the accidental release of information. The importance of withholding information is that it prevents the grassroots from organizing to oppose the city's vision of redevelopment. One cannot oppose something one does not know exists.

There was also the question of efficiency in adopting the redevelopment plan. Since redevelopment in California is based on the use of two controversial public tools, eminent domain and tax increment financing, the less time spent debating either the better. The less reflection on eminent domain means that a redevelopment plan is more likely to be adopted in a form desired by the city and, perhaps more importantly from the city's perspective, an earlier base year for commencing tax increment financing means that redevelopment will produce higher tax increment over time. These were both perceptions of Oakland redevelopment planners, but they were not necessarily true understandings of the problems of adopting either tool. The experience of West Oakland confirmed the planners' fears of information provision. West Oakland took three-and-a-half years to negotiate a redevelopment plan, during which time the city invested much time and resources into information provision and in the end did not receive the eminent domain authority desired and had to settle for a tax increment base year two years later than initially planned. From all appearances, the planners got just what they wanted in East Oakland, where the process took about a year and during which time the planners provided no meaningful information to the community.

The following chapter will describe some of the ways that the coalitions utilized planning expertise to address issues related to the withholding and control of information by public agency planners by

creating their own data-driven studies and proposals to move their agendas forward.

CHAPTER 3: Case Studies: Oakland Community Benefits Campaigns

The two Oakland campaigns examined here both made conscious efforts to utilize city planners and their expertise. The Central Station Coalition used a legal strategy, with a supporting political strategy while the Oak to Ninth Community Benefits Coalition used a political strategy, with a supporting legal strategy. This analytical framework of the strategies is my own derived from observation, and would likely be disputed by a number of participants in either of the campaigns. The case studies will, of course, present the evidence for these conclusions.

Specifically, in the Central Station, coalition leaders sought to rebut the arguments of the developers by asking allies with planning expertise to make their case in a form suitable for litigation purposes. In the Oak to Ninth Community Benefits, planners were utilized to help craft and support the coalition's alternative development plan and anticipate, as well as rebut, the arguments of the developers and their supporters in the urban growth machine. The campaigns offer two different examples of how community movements can strategically use planning processes to further their equity agendas at the urban scale.

Procedural interventions were important for each campaign in different ways. While there were some differences in the goals of the two campaigns — toxics issues were more important in the Central Station campaign while workforce development programs for non-English speaking immigrants were more important in the Oak to Ninth Community Benefits campaign— both coalitions were interested in securing affordable housing and jobs for local residents. Nonetheless, the two coalitions had divergent objectives and, thus, different strategies. The objective of the Oak to Ninth Community Benefits Coalition was the negotiation of a CBA with the developer. The objective of the Central Station Coalition was less firmly articulated, but did call for a CBA. However, the campaign appeared to be satisfied with either forcing the City to require that their goals be imposed on the developer or to litigate to stop the project. Litigation is costly for developers (as well as community groups²⁰). It represents unpredictable costs in terms of attorney's fees as well as lost time in construction and consequently in delivering the product to market on time. The longer litigation takes, the more likely it is that investors will pull out of a project. This provides an incentive for developers to settle litigation as soon as possible. Therefore, litigation can provide an important leverage point for

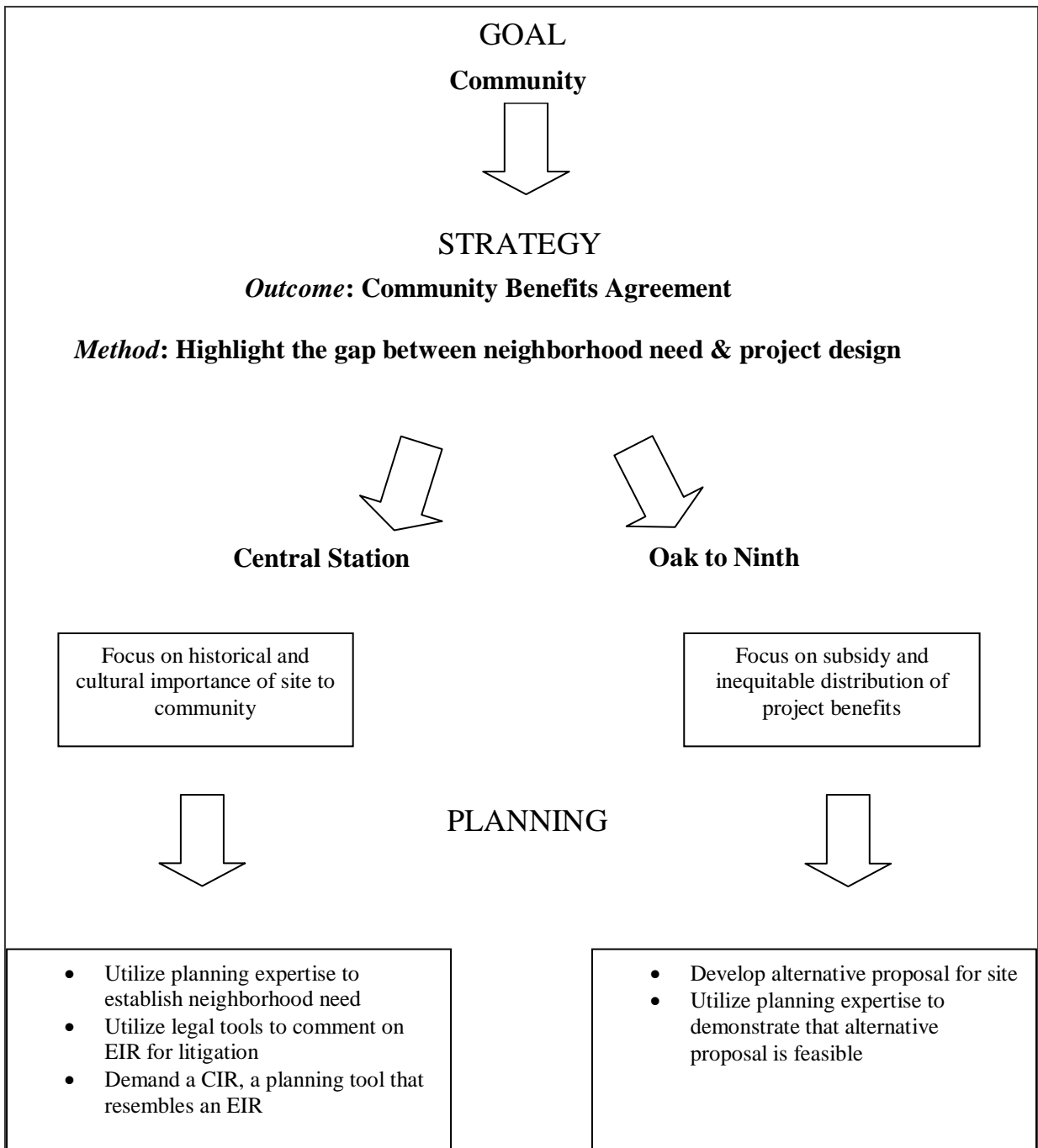
community activists to utilize to force a developer to make concessions. But, it is a risky tactic for community activists.

Litigation is by definition an adversarial process. It does not build relationships and trust as much as it creates animosity. It also requires a significant investment in legal resources on behalf of the community. To prepare for litigation, community activists must make sure they “save” their rights by doing such things as making sure they properly appeal decisions at every step of the way, filing comments that articulate future causes of action, and file suit properly and timely. Few lawyers will take on such expensive cases for free. The estimate given the Oak to Ninth Community Benefits Coalition by its attorneys for litigating the Environmental Impact Report was about \$40,000. The Coalition had already invested about \$10,000 in legal advice prior to this estimate. A final problem for community activists in litigation is that it is typically unsuccessful and that—depending on the cause of action²¹—construction can continue while litigation proceeds.²²

While litigation was a leverage point for the Oak to Ninth Community Benefits Coalition, it was an important strategic objective for the Central Station Coalition, whose leaders appeared to assume that litigation would be necessary. As a result, lawyers assumed different roles in the campaigns. Lawyers were leaders in the Central Station campaign²³ but played only a supportive role in the Oak to Ninth Community Benefits campaign.

In order to understand how each campaign worked, it is necessary to understand how the Oakland planning process works. While there is not always a single process for all proposals, Oakland usually follows a predictable timeline of events. In the case of the two campaigns here, the City adopted the “package” approach outlined above in chapter two. As part of this approach, developers were required to go through the planning process *twice*: the first time for information and feedback, the second time for approval. This process helped to prevent planning staff from being “surprised” by direction from City Council at the last minute (this happened during the Central Station entitlement process) and to further the goals of the procedural fix by providing so many opportunities for public input that the argument that the City considered public comment would be “unimpeachable.” It appears that the Oakland Planning Department adopted the package approach in order to control public input and make the process predictable for themselves and developers. A more complete outline of the planning process was made in Chapter 2.

Figure 4: Planning and Development Strategies of the Two Campaigns



The organizing strategies might be laid out as follows. The goal was to create political power in low-income communities (tangible outcomes are important, but the organizing goal would be to build power). The common strategy was to negotiate a binding agreement between developer and community groups. The common tactics were to put political pressure on developer to negotiate through various community organizing methods.

The organizing tactics and methods were arguably distinct in each campaign, but this dissertation is focused on the *planning* tactics employed, not the *organizing* tactics. Reference to organizing tactics is at times required in order to better understand the planning tactics that were deployed, but this dissertation is making no purposeful evaluation of the wisdom of any organizing approach used or discarded in either campaign.

A: The Historical Context: Oakland's Second Era Redevelopment Planning

Ever since the urban renewal programs of the 1960s displaced thousands of low income and working class persons from their homes, neighborhoods, and communities to make way for high income residential, commercial, and retail uses, urban redevelopment planning has been an important locus of urban political contestation in the United States. The impact of urban renewal is well documented elsewhere (Gans 1962; Anderson 1964; Lupo & Fowler 1971; King 1981; Mollenkopf 1983; Logan & Molotch 1988; Frieden & Sagalyn 1989; Hartmann 2002). As part of urban renewal, public decisions were made to “renew” urban areas without the input of the low income residents directly affected by the decisions. Entire neighborhoods were razed, residents were dispersed with little or no compensation, and property was transferred to higher income uses. Finally, residents started to organize and demand a voice in redevelopment planning. In the decades since participation mechanisms were first adopted and implemented by cities and states, it has become clear that there is no one community voice – even in seemingly homogeneous neighborhoods.

Community activists have been organizing around redevelopment projects since the 1960s. One way in which community activists are adjusting to redevelopment planning today is to negotiate cross-class and multi-ethnic/racial coalitions to create alternative plans for development projects and negotiate with the developer for legally-enforceable outcomes that benefit the community. However, despite legal, policy, and political changes that have occurred since the 1960s, redevelopment planning today continues to produce the same winners and losers. As progressive opponents adjust their tactics, the growth machine adjusts to the new rules and finds ways to reach the same goals (Clavel 1986). As a result, the very same problems remain despite the legal and political changes made in the wake of the abuses and failures of urban renewal. A reason for this lack of change may be found in the solutions sought offered by the state. Specifically, the legal and political changes pursued by community groups in

the 1960s were not always that *substantively* significant and often created unintended negative consequences.

The excesses of Urban Renewal in the 1950s and 1960s led to reforms that were supposed to prevent them from recurring. These reforms included such diverse measures as maximum feasible participation in the Community Action Program, the use of Environmental Impact Reports, the use of formal stakeholder advisory groups, reforms to the use of eminent domain and the use of owner participation agreements, transparency acts to require city decision-making to be done in the public view, and comprehensive planning requirements. However, while greatly affecting the process and cost of development, each of these reforms did little to change the outcomes. They served as vehicles for directing community opposition into predictable channels, a valuable outcome for urban growth machines and their allies.

Introduction to Oakland and the Two Campaigns

Oakland is a mid-sized city located in Northern California. It is a historically racially and ethnically diverse community that was once home to tens of thousands of industrial factory jobs. Despite attempts by the powerful residential development industry to buy up the remaining industrial land to build market-rate housing, the city remains home to thousands of light industrial, working class jobs.

Over the past thirty years, Oakland has seen the development of spatial and racial inequality. Today, wealthy white residents live in the hills while poor and working class residents (largely non-white) live in the “flatlands” abutting the waterfront. Due to its strategic regional location and the scarcity of housing, Oakland has seen significant market pressure to convert industrial land to market-rate residential uses. Unlike its neighbors, Oakland has no inclusionary housing requirement for residential developments. As a result, developers have been approaching the owners of industrially-zoned land and offering more than twice as much per square foot than the land is worth at its current zoning. The Mayor has campaigned for building market-rate housing units to accommodate 10,000 new middle and upper class residents, and several large and desirable land parcels were sold to residential developers to build thousands of units of luxury housing in poor neighborhoods. No developer proposed building affordable housing units or offered jobs at living wages to local residents.

It was in this context that two community benefits campaigns were conducted in Oakland California during the period of 2003 to 2006.²⁴ One campaign, the Central Station Coalition, targeted a 1500 unit project slated to destroy an important historic and cultural building in a low-income

African-American neighborhood. The other campaign, the Oak to Ninth Community Benefits Coalition, was organized around a 3000 unit project that was slated to be built on one of the few remaining waterfront sites in Oakland. The design of the development would have cut off access to parks and open space for several multi-racial and multi-ethnic low-income neighborhoods. These campaigns will be explored in the following chapter.

Community activists from both campaigns who were shut out of the early stages of the planning process, attempted to intervene to ensure that the development plans would serve at least some of the low-income and working-class residents living around the development sites. While community groups wanted a seat at the table, it is important to note that neither of the development projects examined in this paper was a “locally unwanted land use” (or LULU),²⁵ and the campaigns that developed were not driven by NIMBYism.²⁶ While there were some dissenters in the environmental community who preferred different uses at the sites, nearly all of the campaign’s supporters and opponents supported the development projects in principle.²⁷ The main source of disagreement between the City and the community groups was over whether, and what kind of, community benefits Oakland leaders should extract from developers before approving the projects. At the beginning of the process, the only benefits to residents in the plans were subsidized by the City. And, even then, the Mayor and City Council were reluctant to place conditions on the subsidies. The Oakland campaigns are interesting because they provide two separate examples of how, in a development and governance context, social movements can force a seat at the table and work in collaboration with the project sponsors and decision-makers. Of course, the Oakland campaigns also demonstrate that, in a contentious campaign, there may be little chance for actual collaboration.

While I have demonstrated that municipal planning processes are often little more than procedural tools used to create some predictability for developers and to co-opt and silence dissent, most planning processes offer intervention points through which outcome-oriented movements may intervene in the process. The next section examines how two Oakland campaigns examined employed different strategies for intervention.

In Oakland, there have been two fairly distinct eras of development, which I described in Chapter 1 in more general terms. While some scholars argue that there was an additional era of development in between the first and second eras; in my opinion, that time was more of a transitional period and not distinctly an era itself. (Altshuler & Luberoff 2003; Frug 1999)

During the transitional time certain cities in United States began to lure suburban people back into the downtown areas of the city with middle class and tourist amenities. I use the two eras to discuss: (1) the legal requirements for redevelopment planning aimed at increasing public accountability which gave birth to the procedural fix, and (2) the modern political economic contextual change of urban redevelopment planning.

The First era covered the 1950s-1970s and can be characterized by highly elitist development strategies that involved physically clearing entire blocks and people from cities and, although often speaking to commercial projects. A backlash eventually developed and growth machine planning abuses often blew up into fierce community battles over use values (Mollenkopf 1983; Hartmann 2002). This era began in California with the creation of the Community Redevelopment Law in 1954. By 1970, the failures of urban renewal were evident as widespread community opposition to pro-growth policies demanded systemic reform, These attempts at reform gave birth to the procedural fix.

The Second era arose out of the failures of the First. But not before a transitional period in which no-growth activism borne out of the resistance to urban renewal excesses coupled with an ascendant environmental movement placed utilized reforms to stop projects altogether (Logan & Molotch 1987). This was helped in large part by the recessionary impacts of economic restructuring in the 1970s. The Second Era of redevelopment in California began around the time of the 1993 amendments to the Community Redevelopment Law, which enacted a number of procedural reforms to the law in an effort to appease community opposition and allow the resurgence of redevelopment planning in cities injured as a result of the economic restructuring and the legacy of the 1970s tax revolt which starved them of resources. The apparent problem (or opportunity) in California cities in the early 1990s was not the blight of urban renewal, but the vacant land attributed to obsolescence as a result of the economic restructuring from an industrial economy to a service economy. (Weber 2003) Where the political rationale for First Era redevelopment was the elimination of blight, the rationale for Second Era redevelopment was productive use of obsolete sites.

The rationale for Second Era redevelopment is reflected in modern day calls for smart growth planning. Rather than razing existing buildings/blocks/neighborhoods the growth machines of today are looking toward vacant or obsolete parcels and using an infill strategy to convert the working class industrial city into the middle class residential and amenity city. Today, smart growth has become an operating principle – or at least a

primary rationale – for growth machine developers and allies to blunt community opposition to (or concern about) major development projects.

However, the modern-day combination of Second Era redevelopment realities, growth machine development opportunities, and smart growth rationales, often leave low-income communities little political leverage. For, while the new growth machine redevelopment strategy provides mixed-uses, more housing, transit-oriented development, environmental remediation, and urban beautification, it does so in a way that increasingly privileges middle class newcomers at the expense of low-income residents (Gearin 2004). This raises renewed concerns for equitable outcomes in the city planning process. The next section will consider the traditions of equitable planning in academia and one important new tool for implementation: the community benefits agreement.

B: Case Study 1: Using Data to Support the Central Station Coalition’s Community Benefits Campaign

Describing the “Winners” and “Losers” of Urban Development Planning

A brief introduction to the nature of each development project will enable us to better understand how each campaign employed data from planning expertise in their campaigns. The Central Station was a design for separate mixed-use developments within the Project site by individual Project Sponsors. The development consisted of residential, live-work and retail uses, along with non-retail commercial space. The project was intended to be five separate developments that were coordinated.²⁸

The development was complex as it planned to provide over a thousand units of market-rate housing on a culturally important site in a poor African-American neighborhood known as West Oakland. The Central Station Coalition²⁹ mobilized to demand that the development be responsive to the needs of the surrounding community, including the need for affordable housing. The stated strategy of the Coalition was to force the developer to negotiate a community benefits agreement (CBA). This strategy required finding leverage points in the process, such as making comments and credible threats to sue over the EIR, organizing community members to lobby public officials both privately and in public hearings, and crafting and presenting an alternative plan. These important components of this strategy required data and planning support. To this end, a “Data Book” was created by planner allies of the Coalition to serve as a basis to dispute the assertions of the development and to support the alternative vision set

out by the Coalition, which would then be used to support the legal arguments made by the lawyers.

The Central Station Coalition consisted of labor, community, environmental, housing advocates. The evolving strategy of the Coalition privileged professional legal and planning expertise as the need for eventual litigation became an ever more increasing probability. Consequently, additional resources were spent on making legal arguments, which in an environment of scarce resources had to compromise the resources that could have further supported organizing efforts and building a political base in the community around the issues. Nevertheless, the neighborhood was highly organized (both for and against the project), and organizing efforts on behalf of the Coalition were largely successful in demonstrating support for its goals. The Central Station Coalition's strategy looked like this:

1. Research to support legal arguments: Develop research to support the legal arguments to be made in official comments to the environmental impact report. Little research to be devoted to crafting an alternative plan or to engage a debate over project specifics.
2. Organize community support around broad principles: Using arguments about housing and jobs at higher levels of abstraction, efforts were made to organize the community around principles rather than a plan. The organized community members provided public support to the litigation preparation.
3. Prepare to Litigate: Expend the resources and time necessary to save the litigation rights of the Coalition over different aspects of the project, but especially the sufficiency of environmental impact report.

It is important to note that, for the Central Station Coalition, planning expertise was essential for the legal prong, but not for the organizing prong. The organizing prong was predicated on an effort to organize around progressive principles at a high level of abstraction and did not attempt to engage the community in creating and implementable plan. As a result, planning expertise were not very helpful to those focused on organizing the community. Because the campaign strategy rested in large part on legal machinations, planning expertise were engaged only so far as they were necessary to support the legal prong of the overall campaign. The goal of the organizing strategy was supposed to be to support the legal strategy. However, in practice, the organizers in the Coalition were often at strategic odds with the lawyers, and the organizing efforts were often separate from

the legal strategy. In the end, however, the two groups found ways to work beside one another and the organizing strategy was ultimately complementary to the legal campaign.

Data played a key role in the campaign, as the City Planning Director and the developer tried to blunt the Coalition's argument that the social and economic impacts of the Project should be studied and made public before proceeding with approving the development entitlements. The Coalition released a report (the "Data Book") that was intended to demonstrate that there was cause to conduct a social and economic impact study of the Project. The City responded by releasing a report arguing that there was no potential gentrification impacts of the Project (the "Moody Report"). The Moody Report was so poorly received, the City released a second report issued by a different consultant (the "Corley Report") which conceded that there would be "losers" as a result of the Projects, which in turn forced the developer to include some affordable housing in the Project.

Early on, the City Planning Director had made vague commitments to do commission a social and economic impact statement—as long as it was not part of the EIR, and thus not subject to litigation—but never followed through on her promise. The Coalition commissioned planners to draft what was called the "Data Book," which was crafted to support efforts to lobby for a social and economic impact study of the Project, particularly as it related to gentrification. This, in turn, was part of the legal strategy of arguing, among other things, that the environmental impact report was insufficient in order to litigate the developer and City into negotiations.³⁰ The Data Book itself was inspired by: (1) Two studies on gentrification published by planners at the local university; (2) the work of community GIS collaboration, which was coordinated by one of the planner authors of the gentrification studies; and (3) repeated calls for social and economic impact assessments of development projects by community activists and professionals.

The City and the developer decided to address these concerns in releasing the Draft Environmental Impact Report on the project by including a study (the "Corley Report") that explained that West Oakland residents were in no danger of gentrification through market forces because the housing low-income families lived in was protected by a number of regulatory devices. The report was not only methodologically facile, its conclusions were not credible even to a lay audience. The Corley Report was the City Planning Department's and developer's effort to undercut the affordable housing demands of the Coalition.

In response to the Data Book, the City Planning Department, commissioned the so-called Moody Report. However, from the Coalition's perspective, the report did not qualify as a true "Community Impact Report."³¹ Nonetheless, the Moody Report did explore the issue of gentrification and declared that displacement would occur through market forces as a result of this project and that there would be "winners" and "losers." The immediate result of the Moody Report was a concession by the developer to include affordable housing units in the project.

The Corley report created community uproar. In addition, it highlighted inconsistencies in the rhetoric of the City Planning Director. Specifically, the report highlighted the fact that the Director had previously made statements that she supporting social and economic impact reports, but she opposed them as part of the environmental impact report. Coalition members applied pressure to the City Planning Director by reminding her that she had on several occasions agreed to support a social and economic impact report. While the City Planning Director was clear that she did not believe such a report or analysis was required under the California Environmental Quality Act ("CEQA"), she was on record supporting a report outside of that process. The Coalition's rebuttal to the Corley Report, which was supported by the Data Book, also demonstrated that the Corley Report was flawed and was perhaps backfiring on the City and the developers. As a result, the City decided to produce a new report: the Moody report.

At the Planning Commission, the developers finally presented a plan to incorporate affordable housing into the development. Coalition organizers thought the offer inadequate and still pushed for the developer to do more. Nonetheless, by utilizing planners to support their arguments, the Coalition had made the case for affordable housing.

Utilizing and Creating New Review Processes: Environmental and Community Impact Reports

The Corley Report was supposed to pass as the Community Impact Report sought by the Coalition and promised by the City. It was not accepted as such by the Coalition, and for good reason; the Coalition was demanding a formal document that would employ the same process, independence, and enforceability that does—at least in theory—the Environmental Impact Report. The City, while explicitly rejecting a CIR on the EIR model, was never serious about evaluating the community impacts of the project.

C: Case Study 2: Using Data to Support Community Benefits Organizing at the Oak to Ninth Community Benefits Site

The Oak-to-Ninth (O29) site was an important part of the redevelopment strategy for the Central City/East Oakland Redevelopment Project Area. The land was owned by the Port of Oakland, which has signed an option-to-buy agreement with Oakland Harbor Partners, LLC., a joint venture between Signature Properties and others. The project was stalled – officially, anyway – while the city was involved in a lawsuit concerning the property, *J.W. Silveira, et al. v. City of Oakland* (United States District Court Case No. C03-0621). As a result, the formal application for a project on the Oak-to-Ninth site was delayed for at least a year, which prevented a commencement of the environmental impact review process.

The Silveira litigation was approved for settlement by the City Council on June 1, 2005. The settlement included \$50,000 for attorney fees and costs only and some future consideration concerning the Blight Ordinance by the Council’s Community and Economic Development subcommittee at some point in the future. According to Claudia Cappio, Director of Planning, this litigation is what had been holding up the Oak-to-Ninth project. The NOP was issued so quickly after the June 1 Council meeting that it was clear that the developer had been working on it and likely informing City staff during the pendency of the litigation. A consultant, Environmental Science Associates, was hired by the city to conduct the EIR.

The entire project site is approximately 62 acres of waterfront property owned by the Port. The proposed project includes up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, 3,500 structured parking spaces, approximately 27 acres of public open space, two renovated marinas, and a wetlands restoration area. The project is proposed to be constructed in phases over approximately ten years. The site is currently occupied by a combination of commercial, warehouse, and light industrial services. The existing buildings on the site will be demolished, with the exception of the Ninth Avenue Terminal shed building, Estuary Park, and the Jack London Aquatic Center. The site is primarily zoned M-40 Heavy Industrial with a small portion zoned S-2/S-4 Civic Center/Design review. The General Plan land use designation is the Estuary Policy Plan’s Planned Waterfront District (PWD-1). As it pertains to the project area, construction of the proposed project will require consideration of amendments to the City of Oakland Estuary Policy Plan, a rezoning of the property because it is not currently designated for residential or commercial

uses, approval of a subdivision map, design review approval, a development agreement, and possibly other City approvals and actions. In addition, approvals or permits may also be required from other agencies for activities such as modifications to the shoreline, demolition of structures, site remediation, wetlands restoration, local and regional access, and possibly other activities. One or more parcels in the project area may be listed on the “Cortese List” of hazardous waste sites (Government Code Section 65962.5).

It was determined during the scoping process that the proposed project may result in the following potentially significant environmental impacts which will be analyzed in the EIR: aesthetics, air quality, cultural/historic resources, hazards/hazardous materials, noise, transportation/traffic, biological resources, geology/soils, hydrology/water quality, land use/planning population/housing, public services, recreation, and utilities/service systems. The following environmental effects were analyzed in the initial study, a sort of pre-EIR, and determined to result in less-than-significant impacts and thus will not be further studied in the EIR: agricultural resources and mineral resources.

Developing an Alternative Development Plan

The Oak to Ninth Community Benefits provides an excellent example of the significant role that subsidies can play in urban redevelopment planning. The Oak to Ninth Community Benefits developer continually refused to accept subsidies and then argued that because he was not relying on subsidies, the project did not have to include any community benefits. While the developer approached a foundation-sponsored smart growth investment fund about financing, he backed away once the fund’s managers initiated a discussion about incorporating equitable development principles into the project. The developer then suggested that the Oakland Redevelopment Agency provide the project with \$50 million of financing either directly or through tax increment financing rebates. However, when the City began to talk about inclusionary affordable housing, the developer decided against this path. Finally, the developer announced that the project would receive no public subsidies. He argued, and many City officials publicly agreed, that the lack of subsidies meant that the public had no right to expect any direct benefits from the project. Community activists and local residents, however, were not persuaded.

The discussions about subsidies were centered on direct money payments from public sources to private developers. This way of looking at

subsidies privileges developers who can afford to reject direct money payments during the development entitlement process and ignores the other myriad ways in which public resources are used to facilitate private development.

The Oak to Ninth Community Benefits is a prototypical example of city agencies selling off public land to private interests for uses not envisioned by public plans. In the case of the Oak to Ninth Community Benefits, the land was first sold by the Port to the developer with little public notice and no public input. Then, the land was sold to the developer at a discount that the Oak to Ninth Community Benefits Coalition calculated at between \$30 and \$60 million. The appraisal of the site was based on a development proposal half as dense as the one the developer plans to build. In addition, the land itself was not zoned for the high density residential uses envisioned by the developer. A public planning process that was recently completed had earmarked the waterfront land for open space and recreational uses accessible by the public. The new project required discarding this plan (City officials would say “amended”) in favor of the developer’s project.

The goal of the Oak to Ninth Community Benefits Coalition was to force the developer to negotiate a binding and enforceable community benefits agreement. In contrast to the Central Station Coalition, the Oak to Ninth Community Benefits Coalition wanted to create a negotiating relationship with the developer. The Coalition considered the goal of cooperation and negotiation to be almost as important as what was negotiated. To accomplish this goal the Oak to Ninth Community Benefits Coalition developed a strategy, which is outlined below.

- 1 Proposal development and research: Develop a feasible proposal with which to begin negotiations and develop plausible arguments about public assistance to the project;
- 2 Resident engagement and broad community support: Build a base of support in the neighborhoods, the broader Flatlands neighborhoods and City-wide through public action, media campaigns, relationship building with different institutional interests.
- 3 Winning support from decision-makers: Consolidate as much support as possible for the Coalition from City Council, Port and public officials;

The first prong, concerning proposal development and research, clearly incorporates planning expertise. The Oak to Ninth Community

Benefits Coalition recognized that planning expertise would be essential for supporting the other two political prongs of the strategy, persuading decision-makers and organizing a power base. In this context, the sole focus of any legal strategy must be to support the political strategy. One important reason for this is the time, attention, and money that is required to prioritize a legal strategy. Another is the potential conflicts between a political strategy and a legal strategy. For instance, lawyers in the Oak to Ninth Community Benefits Coalition advised the filing of a formal Comment Letter on the EIR in order to save the litigation rights of the Coalition should such a course of action be necessary. At this time, the Coalition was negotiating with the developer and the sense of the negotiating team was that filing a Comment Letter—which would be seen as a public declaration of an intention to sue—would alienate the developer, who would then terminate negotiations. If the campaign was employing a legal strategy it would be essential to file a Comment Letter. If the campaign was employing a political strategy—as it was in this case—legal tactics would have to serve, not disrupt, negotiations. The Oak to Ninth Community Benefits Coalition did not submit a Comment Letter.³²

The Oak to Ninth Community Benefits Coalition first used planning expertise and data to address the first major obstacle to the campaign, the disclosure around subsidies. With the developer refusing to accept any direct money payments to subsidize the project, Coalition organizers were faced with repeated dismissals from City officials and statements that the developer had no obligation to the community. However, the Coalition engaged planning expertise to challenge the assertion that there was no subsidy in this project. This argument hinged on a definition of “subsidy,” but required data and analysis to support it.

The first argument that the Coalition made was that the price of the land was reduced below market rate, thus creating a discount which is a subsidy. For the developer and City planning officials, there was no dispute over the value of the land. An independent appraiser had appraised the value of the land and the sales price was what he recommended. However, upon reading the appraisal, Coalition planners discovered that the appraisal was for a development half as dense as the one being proposed to be built. When Coalition planners used the appraiser’s method on a project of the size the developer was (now) proposing before the City, a discount in the sales price of about \$30 million appeared. Other items were discovered concerning permitting and environmental remediation by a review of the purchasing documents that led to an estimation that the discount the

developer received from the City had the potential of being closer to \$60 million.

While Coalition planners made other arguments — such as that the rezoning of the property from industrial to residential was also a subsidy — it was the analysis of the appraisal and purchasing documents that convinced a number of City officials that the developer should, at the very least, sit down and negotiate with the Coalition. This pressure resulted in negotiations and agreements on the Coalition's two main issues. While this was an important victory, the group was unable to secure a CBA. In the end, the developer was challenged on a number of fronts about whether his project, which was taking no direct subsidy, had community obligations.

The alternative plan

The foundational question Coalition members posed about this project was: *who benefits?* It was a framework informed by the groundbreaking work of the Los Angeles Alliance for a New Economy (LAANE), a sister organization of Coalition partner East Bay Alliance for a Sustainable Economy (EBASE). LAANE pioneered using research to examine the winners and losers of urban redevelopment to inform both organizing and policymaking in Los Angeles. LAANE's work demonstrated that redevelopment projects did not benefit low-income and working class residents of the city. Consequently, LAANE argued that public resources and subsidies were going to private interests with no discernable benefit to the people who live and work in the neighborhoods abutting the projects. This, in turn, helped frame the call for community benefits in redevelopment planning and development in Los Angeles. EBASE and partner Urban Strategies Council both supported the use of this framework in formulating an alternative plan for the site.

A planning team was created within the organizational structure of the Coalition to develop an alternative plan. Members of the planning team included EBASE, Urban Strategies Council, and housing and policy experts such as East Bay Housing Organizations and PolicyLink. PolicyLink and Urban Strategies Council worked on understanding the land deal, the plan, and other subsidy issues. EBASE led the development of the jobs component of the plan. East Bay Housing Organizations led the development of the affordable housing component of the plan.

As noted above, catching the developer taking a subsidy from the city or another public entity proved to be a slippery proposition. The developer had pursued a number of direct money subsidies to the project, from the

Oakland Redevelopment Agency to a regional fund set up to support equitable development. Each time, the developer was told there were certain conditions to the acceptance of funds, from affordable housing requirements under the CRL to any number of community benefits in exchange for funding. Each time, the developer refused to accept the funds. Consequently, the developer – and city officials – denied that there was any subsidy to the project.

However, that depends on the way one defines “subsidy.” The developer and city officials consistently insisted that a subsidy was a cash payment from the public to a private developer, and nothing more. Coalition members on the planning team considered a transfer of value to a private developer from the public was a subsidy. And this was indeed occurring on this project as the developer purchased public property on the waterfront, was getting assistance from the redevelopment agency to make the site development-ready, and was asking – with the city staff’s full support – for zoning and general plan changes that would make the land more valuable than what it was purchased for.

The planning team determined that the subsidy for the purchase of the site was approximately \$30 million. The redevelopment agency had agreed to pay for any affordable housing units that the CRL would require to be built in the redevelopment project area as a consequence of this project. Because the land was subject to a state land use restriction – the Tidelands Trust – the redevelopment agency promised to underwrite any costs the developer incurred getting the appropriate approvals. In addition, while the developer agreed to pay for toxic clean-up at the formerly industrial site, the redevelopment agency agreed to indemnify the developer for costs above a certain threshold. On the basis of this analysis, the alternative plan was proposed.

The housing team crafted a plan for developing units that would be affordable to the residents of the neighborhoods abutting the project. This called for affordability levels low enough to support families earning between \$10,000 and \$50,000 a year. A major problem with including affordable units in luxury developments has not been the affordability limits themselves, but the size of the units. One bedroom units are not for families, despite the fact that poor families are often in overcrowded apartments. The Coalition’s plan – like the Central Station Coalition’s proposal in West Oakland – called for family-sized units of two, three, and four bedrooms. The plan explained how these goals could be accomplished by building the affordable units within the market-rate rental development and securing low-income housing tax credits and favorable financing terms for the entire

rental development by having 20% of the units affordable to households earning 50% of the Area Media Income. The AMI was approximately \$50,000 for a family of four.

The plan also called for the developer to donate approximately six acres of land within project site for a separate affordable housing development. Under this proposal the city would conduct a process to select a nonprofit developer to finance and build housing on that land that is affordable to households that earn approximately \$10,000 to \$50,000 a year. The development would receive financing from the housing set-aside money required by California redevelopment law. This investment, which would be raised through tax increment financing, would be available as soon as the redevelopment agency was able to sell a bond on the redevelopment project area. The idea was that this “seed financing” would leverage other public and private financing to ensure the completion of this side project.

The final component of the plan dealt with the issue of jobs and job training for immigrant communities. The neighborhoods abutting the project site had a high degree of immigrants and non-English speakers, including Central Americans, Chinese, and Korean immigrants. Language and other cultural barriers prevented many of these residents from getting into the building trades and securing good paying jobs that were seemingly abundant in the region’s construction boom. The jobs plan included provisions for a neighborhood-based pre-apprenticeship training program specifically designed to address the needs of the immigrant communities abutting the project, a commitment from the developer to utilize the pre-apprentice program to hire Oakland residents for all apprentice positions, and a monitoring program to ensure compliance and collaboratively cope with barriers to ensuring compliance. The monitoring and enforcement of the local hire commitments was modeled on the Port of Oakland’s Project Labor Agreement and its Social Justice Committee. This would include the participation of community, labor, construction and training program stakeholders. An additional proposal was for the developer to ensure that any lessee of commercial properties or contractors of the developer comply with the Oakland Living Wage policy, and respects the rights of employees who provide cleaning, maintenance, security, retail, and other services at the development under all applicable laws. Finally, the plan called for implementation of the proposal through a community benefits agreement between the developer and the Coalition.

D: Analysis: How Differing Strategies Utilize Planning Expertise

Although the stated goal of both campaigns was to negotiate a community benefits agreement with the developers, the strategies employed were actually quite different. The Central Station Coalition conducted a legal strategy, which the political strategy was largely – but not entirely – designed to support. The Oak to Ninth Community Benefits Coalition, on the other hand, conducted an explicit political strategy, which was supported by a legal strategy. Unfortunately, neither campaign was, in the end, successful in negotiating a community benefits agreement. It should be noted, however, that the strategies employed by both coalitions were more dynamic and sophisticated than might be apparent from this dissertation. The purpose of this dissertation is solely to look at how each coalition approached the use of data to support their community benefits campaigns.

Each campaign used data differently. In the Central Station Coalition, data was used to address the discourse of gentrification and make an argument for the legal strategy. Specifically, lawyers argued that the Draft Environmental Impact Report was inadequate because it failed to consider certain impacts related to market-force displacement of residents. In the Oak to Ninth Community Benefits Coalition, data was used to support the political strategy and to persuade decision-makers that hidden subsidies existed in this project and thus created the obligation by the developer to negotiate to “give something back” to the community.

The different strategies adopted by the campaign also resulted in different relationships with the developers. The Central Station Coalition based their strategy on interventions in the political process (i.e. utilizing the liberal process-based approach) but made clear that the campaign intended to hold up the project in litigation if an agreement could not be reached. This created – or aggravated – an adversarial situation in which the Coalition finally had little political capital to convince the developer to negotiate. Since both the city and the developer expected a lawsuit from the Coalition unless its demands were met, there appeared to be little room for compromise. In fact, organizers of the Coalition were heard to say that they would prefer the project stopped altogether than compromise. This was not a pragmatic position to take with either the developer or the community. This hard line position also ran counter to a key principle of community benefits campaigns, which is to craft collaboratively a development that benefits both community and capital. While stopping a project through litigation might be a last resort to force the developer to negotiate, two important factors to be present before such a strategy can succeed. First, the

coalition must have strong community support. Second, the community must be agreeable to seeing the project stopped altogether. Because neither factor was present in the Central Station Coalition, the campaign was unsuccessful in forcing the developer to the negotiating table.³³

In contrast, the Oak to Ninth Community Benefits Coalition developed a political strategy that was clearly designed to bring the developer to the table and negotiate a community benefits agreement. A legal strategy, which utilized interventions in the planning process, was consciously developed to support the political strategy. Oak to Ninth Community Benefits Coalition members understood that they might need a stick to force the developer to the table should the political organizing fail to reach an agreement, but all along sought to frame the discussions as a win/win for the community and the developer. The campaign's legal strategy consisted of hiring a lawyer to review documents and to prepare comments on the DEIR. However, the lawyer was relegated to a support role rather than a leadership role. The lawyer was comfortable with the fact that the Coalition hoped not to have to use him in any capacity other than due diligence. As a result, the campaign used data not to support a legal claim, but to put political pressure on the developer to negotiate over subsidies and community benefits.

The story of these two campaigns demonstrates that the type of legal strategy a particular campaign employs has consequences for how the planning expertise is used to negotiate the procedural fix. Where a campaign chooses a political strategy, planning expertise is useful in helping the campaign to articulate an alternative development plan that builds political support externally (with decision-makers) and internally (with coalition partners and their bases). Where a campaign choose a legal strategy, planning expertise is useful in helping the campaign build a legal case against the developer, the city, or the redevelopment agency in order to pressure the opposition to concede community benefits rather than face expensive and time-consuming litigation.

The campaigns also highlight the fact that a legal strategy can undermine broad community support which is necessary to supply the political capital necessary to support an extended and expensive litigation campaign. Likewise, the focus on a political strategy can prevent a campaign from raising and committing the funds required to support carrying out the threat of litigation should it prove necessary.

While there are many further complicating factors in both coalitions, such as the ideological hostility of the city to implementing equitable development principles, the role of labor, the internal organization of the

coalition, the absence of clear organizing precedents, the situated-ness of the resident organizers, the class of organizing models, and role of lawyers that deserve attention, the above discussion highlights that the type of strategy employed by a community benefits campaign will require certain tactics in engaging the procedural fix, and thus require specific types of planning support.

Political devolution has forced debates over redistribution from the national to the urban scale. This paper has demonstrated that because capital operates through land development, this devolution has created a political opportunity structure for social movements to demand redistributive outcomes on the urban scale in the context land development projects.

It has argued that a series of reforms aimed at controlling the development approval and permitting process – which I refer to as the procedural fix – are really aimed at controlling debate and making the process more predictable for developers. It has also shown that convincing developers to compromise with social movements over particular development projects requires a negotiation of the procedural fix to win political support at certain intervention points, and that city planning expertise is helpful, if not necessary, for negotiating the procedural fix.

Because the procedural fix is composed of reforms with legal consequences, the type of strategy a particular campaign chooses to use has consequences for how the planning expertise is used to negotiate the fix. Where a campaign chooses a political strategy, planning expertise is useful in helping the campaign to articulate an alternative development plan that builds political support externally (with decision-makers) and internally (with coalition partners and their bases). Where a campaign choose a legal strategy, planning expertise is useful in helping the campaign build a legal case against the developer, the city, or the redevelopment agency in order to pressure the opposition to concede community benefits rather than face expensive and time-consuming litigation.

The problem remains that the focus on a legal strategy can undermine the ability of creating broad community support which will, in turn, supply the political capital necessary to support an extended and expensive litigation campaign. Likewise, the focus on a political strategy can prevent a campaign from raising and committing the funds required to support carrying out the threat of litigation should it prove necessary. Also, the

diplomatic choices of the political strategy may require the campaign to ignore a crucial legal step.

In summary, this paper has provided a simple comparative analysis to illustrate the role of planning expertise in engaging the procedural fix on behalf of social movements in one California city. It argues that despite the many problems and barriers imposed by the procedural fix, community campaigns that engage in thoughtful preparation and acquire city planning expertise or assistance have an opportunity to extract benefits from developers for their communities.

CHAPTER 4: Using *Participant-Observation* as a Planning Methodology

In commencing the research for this project, I planned to employ an ethnographic research strategy. There are several reasons why such an approach was a good one for this study. First, I was interested in “processes and relationships.” This is not a good study to employ a positivist perspective. It is unclear what are the right questions to ask to understand this phenomenon, and an interpretivist perspective is better suited to a study such as this where something interesting appears to be happening but the actors are still trying to figure out what they are doing. It has been argued that ethnography is not essentially interpretivist, but can be used to get at problems in a positivist manner (Laitin 1998). I am not interested, at this point, whether this argument has merit, but it is clear that ethnography is one way to get at problems in an interpretivist manner, and an excellent way when one is already immersed in the field. Understanding processes and relationships is the purview of the interpretivist perspective. Positivists explore causal connections (Laitin 1998).

Second, ethnography is a good approach because the phenomenon I am investigating is still developing and the actors involved in it are still creating it or see it differently from each other. That is to say, the folks who are participating in this phenomenon are so close to it – and the stakes are not academic for them – that few have the luxury to reflect on it. This new organizing paradigm I am positing is in a transitory phase, and much of what I want to know is “in the air.” In fact, it is likely not apparent to most actors that something interesting is indeed taking place. Ethnography will allow me to understand how the actors (individually and collectively) are developing their thinking on the phenomenon. It will allow me to witness how political opportunities and threats are processes by actors – perhaps in ways the actors misunderstand (or, perhaps more fairly, understand differently) – and how actors develop and refine repertoires of contention. Ethnography will allow me to “immerse [myself] in [my] research setting and attune [myself] to the daily rhythms of [my] subjects’ existence” (Bayard de Volo & Schatz 2004).

Third, I am currently and have been for several years working in the field, so it is a convenient method; which also turns into a challenge for

validity, such as seeing what I want and the issue of participating in the phenomenon and pushing a point of view.

What is ethnography?

According to Emerson, Fretz & Shaw (1995):

“Ethnographic field research involves the study of groups and people as they go about their everyday lives. Carrying out such research involves two distinct activities. First, the ethnographer enters into a social setting and gets to know the people involved in it[.] . . . The ethnographer participates in the daily routines of this setting, develops ongoing relations with the people in it, and observes all the while what is going on. . . . [S]econd, the ethnographer writes down in regular, systematic ways what she observes and learns while participating in the daily rounds of life of others. Thus the researcher creates an accumulating written record of these observations and experiences. These two interconnected activities comprise the core of ethnographic research: First-hand participation in some initially unfamiliar social world and the production of written accounts of that world by drawing upon such participation.”

Ethnography is working not just with one’s research subjects, but as one of the research subjects. This presents two problems of bias, statistical and normative. First, critics argue that because ethnography chooses subjects based on relationships (or forming relationships with them) and not through random sampling, there is no way for the research to be replicated and its findings cannot be generalized. There is some truth to the former (replicability), but the latter (generalizability) is not often a concern for the ethnographer and it misses the foundational concept behind ethnography, to understand the micro-level and the uniqueness in particular cases. What ethnography gives up in replicability, it makes up for in validity (Bayard de Volo & Schatz 2004).

Second, ethnographic research presents a problem of normative bias – sometimes referred to as “going native” – in which the researcher sympathizes with the subject’s point of view to the point of becoming subjective in the analysis. Normative bias refers to the problem of the researcher uncritically adopting the viewpoints of the research subjects. This is an apparent danger as well as a real one because there is no way to confirm the researcher’s conclusions. This can be overcome only by conducting careful, thorough, and reflexive research. The first two are

necessary components of any good research project, but the third is necessary to prevent the researcher from losing sight of his or her role as a researcher. It allows the reader to also understand the challenges faced by this kind of research and, hopefully, builds a case for the reader to decide how reliable the observations and conclusions are. But there is additional problem raised by reflexivity itself. Byard de Volo and Schtaz (2004) warn that “reflexivity can become a sort of transcendental principle that rivals any methodologically narrow navel-gazing practiced [in social science] disciplines” (2004:268).

Why ethnography and not case study?

According to Snow and Trom, a case study is “a research strategy that seeks to generate richly detailed, thick, and holistic elaborations and understandings of instances or variants of bounded social phenomena through the triangulation of multiple methods that include but are not limited to qualitative procedures.” (2002:151-52) Atkinson & Hammersley (1998) explain ethnography to include: (1) an emphasis on exploring the nature of a particular social phenomenon rather than setting out to test hypotheses about them; (2) the use of unstructured empirical data rather than a closed set of categories; (3) the use of a small number of cases, usually only one; (4) data analysis that involves explicit interpretation of the meanings and functions of human actions, the production of which mainly takes the form of narrative descriptions and explanations. One way to describe the difference between an ethnographic research strategy and a case study research strategy might be that ethnography is a specific type of case study research that deals with processes and relationships of social phenomena through the interaction between the research and the object of study.

In thinking of ethnography as a variant of case study research, it may be helpful to show how this study will generally fit with a case study design before explaining how a particular ethnographic strategy will be utilized. Ragin sets out four requirements for the case study. First, my case must be bounded by time and place (Ragin 1992). Second, the “primary phenomenon investigated” (Snow and Trom 2002) must be a “member of a larger set of broadly defined objects” (Ragin 1992). Third, the object of study is “an instance of an important theoretical concept or process” (Ragin 1992). Fourth, the focus of inquiry is “an intrinsically interesting historical or cultural entity in its own right” (Ragin 1992).

The “case” will be bounded by time (2004-2006) and place. The “case” is the Oak-to-Ninth development project in Oakland, California. The primary phenomena is the use of planning processes by social movement

actors to influence urban politics. This phenomenon is a member of two larger sets of broadly defined objects: social movements and opposition to the growth machine or antiregimes. The object of study – the strategic utilization of urban planning processes by social movements – is an important theoretical concept because it may represent an emerging institutional form that may bridge the divide between planning and organizing/advocacy. The object of study is an intrinsically interesting historical and cultural entity in its own right because it has made a substantial contribution to the equitable development debate that, in its absence, may not have been made at all. It has the potential to re-make the field of planning and make planning a useful tool for social justice movements.

Why Oakland?

Oakland is an excellent place to conduct this research. It is an historically working class city that is self-consciously trying to gentrify and bring in more people with more money by building housing and amenities for middle class sensibilities. This is a cornerstone of Mayor Jerry Brown's 10K Plan to bring 10,000 new affluent residents to downtown Oakland. Oakland is also a city of neighborhoods that have clear class, if not racial, distinctions. The "flatlands" are largely low-income neighborhoods. The "foothills" are working/middle class. The "hills" are quite affluent. Residents in Oakland are active in local politics, although that activism takes different forms in different neighborhoods. West Oaklanders tend to be good at protesting and stopping the city from doing something they do not want it to do; they are very suspicious of city officials and other "outsiders", such as university students. However good they are at saying "no", they have had continuous problems trying to organize around issues proactively. Fruitvale residents have been successful at working collaboratively with city officials and developers to create things such as their Transit Village. Oakland is a city where residents take a stake in planning and monitor land use decisions carefully. It is also a city where planning and redevelopment staff seemingly work hard at hoarding information and misleading the public. Despite their protestations to the contrary, city staff continually works to manipulate public opinion and "fast-track" projects and rule changes so that the public cannot effectively participate. This creates an environment in which land use planning and development decisions are under constant contestation between city staff, developers, and the public. The final reason to study Oakland and the O29 project is that I live in the

city and I am working on the project. This gives me an advantage that I simply would not have were I to study another city and another project.

Preliminary field work

Upon the commencement of this project I had been engaged in working with social movement organizations in Oakland, California for about three years. I entered this field through a studio course that was being asked to help a community group figure out how to interface with a neighborhood-wide urban redevelopment planning process. The community group and its foundation sponsors saw that this planning process would have important effects on the neighborhood, but could not understand why or how the community could organize around it. The result of our work was a project called the Community Economic Development Clinic. I managed this project, which was designed to incorporate development issues into neighborhood improvement work despite reluctance from funder over why researching and organizing around development issues would be of interest to revitalizing a distressed community. Some residents understood that there was a connection much quicker than “expert” partners in the neighborhood improvement work.

The CED Clinic was a collaboration with the East Bay Community Law Center, which represents low-income persons on housing, welfare, and income support issues. EBCLC has begun to work on economic development issues, but was having trouble articulating clearly its mission in this sector. From the interaction I had (and continue to have) with the attorneys who run and work at the Law Center, it was clear that the work they did with *individual* clients was increasingly turning their focus to development issues as a means to deal with the structural cause of poverty in Oakland. EBCLC also worked with organizations as client. That work was initially intended to be typical transactional assistance to nonprofits and low-income small businesses on incorporation, by-laws, and tax issues. In that work, the Law Center was finding increased requests to assist with development matters by organizations. For these reasons, EBCLC was eager to explore new ways to work through the CED Clinic.

During my tenure as manager of the CED Clinic I was approached by the executive director and legal director of Communities for a Better Environment, a nationally-recognized environmental justice organization that organizes and litigates around toxic waste issues in low-income California neighborhoods. The executive director told me that he believed that his organization’s work was hampered by not working directly on development issues and with the planning and permitting processes.

However, he could not figure out how to move the work of CBE in that direction. I agreed to work with him, but, for unrelated reasons, he soon left CBE.

Again, Why ethnography?

Ethnography is not well known in the social science disciplines outside of anthropology, but it is finding increasing acceptance. In a recent volume on social movement methods there are chapters on protest event analysis, surveys, interviewing, even participant-observation, but none on ethnography despite the fact that many social movement researchers are situated in movements and could easily conduct ethnography (Klandermans & Staggenborg 2002). I believe ethnography should be utilized more by planners because the nature of the discipline as an applied and professional one demands that its theorists understand the “world of practices.”

As a science of *normative action*, planning theory is rooted in a world of practices—a world of action. Law is the only discipline that shares this characteristic. Sociologists like Giddens view institutional thought as the normative reproduction of social practices. These theorists extensively argue and rationalize about this, and sometimes they do so quite brilliantly. Their statements about institutional practices may be very inspirational for practice, but they spring from a world of theoretical argumentation. Planning and law, in contrast, do not see practice from afar but are rooted in a dynamic world of action. Planning and law find themselves in a real world in which solutions must be sought for social problems and social conflicts must be resolved in a peaceful manner. (Salet)

Planning, as Salet says, is “rooted in a dynamic world of action”. All types of organizations are engaged in planning today, even if they are not conscious of it as such. The planning needs of communities are often the object of urban social movement organizations, and planners are finding themselves drawn to this world of activism in ways that the discipline has not previously understood itself to be relevant. Organizing and advocacy are important tools to complement technical planning in order that such effort be legitimated by a constituency and implemented through force of law. This study should provide useful insights into planning practice through urban social movement organizations, and perhaps help to broaden the scope of what we think of as “planning.”

Recent research on planning practice is concerned mainly with the agency of planners. That is, what do planners have to say about what they

do. Are they facilitators, technicians, or advocates (Christensen, forthcoming)? The debate between those concerned with process and those concerned with outcomes plays out itself in the literature as what planners are more concerned about and what they think that can and should do. There is another side to the greater agency/structure debate that is not considered in this research. While the process/outcome debate deals with the extent to which planners can exercise agency, the question of what planners do from an “objective” position remains unanswered. Concerning oneself with outcomes tells us little about what are the outcomes. Concerning oneself with process tells us little about the success or failure of those processes. In other words, the question of whether planners think they have agency is different than the question of whether they actually do have agency. What I hope that this study will do is to help us better understand the nature of planning practice outside traditional planning agencies and their consultants, both how this type of planning is practiced from an agency perspective and how planning practice affects structural change.

Participant-Observers or Participant-Observers?: The Opportunity to “Go Native”

According to Atkinson et al. (1998), there are four categories into which the role of the ethnographic researcher fall: (1) complete observer; (2) observer as participant; (3) participant as observer; (4) complete participant.

I was essentially a complete participant. I had originally conceptualized my role as the “participant as observer,” but this proved infeasible for a number of reasons.

I did not enter the field to engage in this study, I entered this research to engage the field. I was already situated in the field prior to commencing this research, and I was committed to the work full-time. This makes research a bit difficult, but it did emphasize something lacking in much of planning practice research: extensive and in-depth actual experience in the real-world work of planning. This positionality seemed to create some additional ethical responsibilities and challenge me to reflect on my dual roles to a greater extent than the researcher who is fundamentally an observer. Such a researcher will, and perhaps must, privilege his or her research responsibilities over his or her participant responsibilities. For me as an ongoing participant in the phenomena I am researching, the priorities must be reversed. My role as a participant is not a convenience to better study a phenomenon; it is “what I do.” I am a planner and a lawyer who works with and in urban social movement organizations, and I have important

responsibilities not just to persons I interact with, but to my job. My work will continue on after this research project has concluded.

The ethical responsibilities of an ethnographer typically include being clear about why one is present in the field, about what one is investigating, and about what one sees as the possible outcomes of the research. However, because I am a participant first and a researcher second, I have to consider my ethical responsibilities as a participant. To be clear about why I am in the field means to remember that I am a participant and that my research cannot be allowed to interfere with my work. I must be clear about what I am working on and what is expected of me *or anyone else in my position*. And, I must remain focused on what I can do to ensure the expected outcomes of my participation. For this reason, I had planned to adopt a field-driven participant-observation technique, rather than a theory-driven technique. What came out of my research was something more akin to a theory-driven technique, but more exploratory as this dissertation posits a theory of planning practice, it does not extend it.

Why No Interviews?

It was some time after my decision not to include interviews in this project that I read Historian Sean Wilentz's complaints on the use of interviews, which mirrors my own.

I am suspicious of interviews as a reliable source for historians, especially for political historians. Journalists, in their normal role of reporting on deadline, must depend on interviews to establish basic facts quickly. But historians who rely heavily on interviews run the risk of being manipulated by their informants, in ways they cannot be by primary documents and secondary sources. (Sean Wilentz, *Age of Reagan*, on not conducting interviews, p.10)

My reluctance to interview participants in redevelopment activism was directly related to my first-hand knowledge that most, if not all, of them would use the opportunity to put forward a normative account of their activities, rather than a critical account (at least, on the record). It is interesting that nearly every honest conversation that assessed the campaign had to be had off the record. As a political actor, I completely understand it; as a researcher, it is unsatisfactory, to say the least. Documenting criticisms of the campaigns would (and did, in an earlier piece crafted from my fieldwork) create very serious backlash by some participants. Doing so without revealing conversations I had with participants risks criticism in

academia of lack of rigor. Doing so and revealing conversations I had with participants risks even greater backlash from participants as well as potential sanction by academia. My choice, then, was limited to personal observation (that did not compromise confidentiality) and matters that were in the public domain. Due to the subject matter I was studying, I was lucky to have the matters in the public domain almost continually.

Since, government actors were, in my experience, less likely to create fictional accounts of their activities than either community activists or private-sector development actors, it made the use of interviews in my work wholly unreliable. In fact, some community activists demanded a sort of veto power in my research, which was unacceptable. As a result, my participation was used to not betray confidences, but to interpret public events. The method was in many ways a failure, mainly because of the contradictions and conflict inherent in participating in community activism, especially as a researcher or expert.

Field-driven versus Theory-driven perspective

Participant-observation in social movements can take one of two perspectives, field-driven or theory-driven (Lichterman 2002). Field-driven studies are “intended to elucidate an empirical unit or subject matter – a labor union, a network of antinuclear affinity groups, a gay community – given that the boundaries of the subject matter may be difficult to discern” (Lichterman 2002:122). Theory-driven studies attempt to elucidate a theory and refine it during the research through a kind of feedback loop.

Theory-driven participant-observation is the idea behind the extended case study method (Lichterman 2002). According to Burawoy, the extended case method asks a participant-observer “to extract the general from the unique, to move from the ‘micro’ to the ‘macro’” (1998:5). The researcher “extends” the case by “theorizing it as a very specific instance of social and cultural structures or institutional forces at work . . . [making] these analytic moves into the macro by building on preexisting theory” (Lichterman 2002:123).

Research question and research objectives

It may seem odd to approach an ethnographic study such as this one by stating a specific research question. After all, one of the purposes for engaging in ethnography – and certainly the force behind interpretivism – is to allow for the context to suggest questions and directions for the research. Nevertheless, when approaching a context which is not wholly foreign one has to wonder why bother studying a situation if one cannot articulate a

reason to do so. The extended case study method asks researchers to enter a context with a theoretical position in mind. The field-driven method anticipates that researchers will know, at least partly, the subject matter they will be interacting with. With these things in mind, I have set out a research question below that describes (1) a starting point for research and (2) why I am interested in studying the subject matter of this study.

I entered into this project with the following research question: Whether and how are urban social movement organizations strategically utilizing urban development processes to advance economic, social, and environmental justice agendas.

My objectives in conducting this research were to understand (1) how activists and advocates use planning to advance economic, social, and environmental justice agendas, (2) how the urban growth machine is opposed, (3) how social movement organizations respond to political opportunities and threats, and create repertoires of contention, (4) the impact the postindustrial political economy has on urban inequality and community organizing, and (5) how to conceptualize a better theory of community development

After three years of field work, the important contribution to knowledge that I had learned was related mainly to objective (5). However, it was not community development theory, but planning theory where I could make this contribution. The project began to better understand the political dynamics of activism in community benefits campaigns, but for reasons both related to methodology and theoretical issues it became a project about planning practice in non-public agency settings. The “failure” of my methodological approach presented the opportunity to look at this kind of planning practice and consider new methodologies that should be explored by planning scholars.

CHAPTER 5: The Tradition of Modern Equitable Planning and its Relation to Movement Planning

Resistance is never wasted.
John Friedmann (390)

From bureaucratic rationality to communicative action, planning theory is largely about explaining how planners practice in public agency settings. There is little, if any, discussion of the planner engaged in resistance to capital, even though there is vast literature on the urban growth machine and its discontents. There are roles for planners as bureaucrats and facilitators, but planning theory should also engage the role of planners in resistance – often outside the public agency setting; often in opposition to the public agency.

The questions I initially set out to address in this chapter include the following. How does planning theory address structural inequalities (race, class, gender, etc.)? What theory does planning have for building political power in disenfranchised communities? How do and should planners practice and what are their roles in community-based campaigns of resistance to capital?

According to Beauregard, “[p]lanning is the materialization of the societal structure of power and privilege.” One reason for this may be the absence of serious planning scholarship about resistance and the possibilities for planners to be important actors in community-based campaigns of resistance. The planning discipline has ceded the resistance territory to other disciplines, such as geography and sociology, which have no necessary practical component to them.³⁴ These disciplines do provide us with analyses of the political economy which give us some bases for practice, but they are concerned with studying phenomena, not with interacting with it. It is this latter concern that calls for planning to pay attention. It is inaccurate to assume that planners are not already participating in resistance campaigns in significant ways. Because they find little support and satisfaction from the discipline when engaging directly in local campaigns for economic and environmental justice, planners often do not think of themselves as planners in these campaigns. Their education and experience become useful skills and knowledge, but their role is “activist.”

I entered the field with every intention of being an activist, because that is what I have been prior to becoming a planner. In fact, my interest in becoming a planner was to gain the skills and knowledge necessary to

become a more useful activist. This dissertation is based on five years of field work in low-income and working class communities in Oakland, California. During this time I work for several organizations and as an individual advising community organizations on campaigns related to urban redevelopment planning. My intention was to offer communities my combined expertise as a lawyer, organizer, and city planner to inform their strategies based around urban redevelopment projects planned for their neighborhoods. At times I was a technical expert, at other times an advocate, and at other times a strategist. From my early entry into the field in West Oakland in January 2001, it became apparent that my expertise as a city planner was more useful when combined with my political and legal expertise. The technical planning expertise was of reduced value in a context in which both the planner and the community were disconnected from each other and from a coherent political agenda and strategy.

My motivation in working with the community was not to “make better plans” but to engage local development politics with and on behalf of disenfranchised communities for the purpose of building political power. How I was to navigate this was something I had to explore more or less on my own. City Planning, as a discipline, offered little or no support for an applied advocate’s approach to urban planning. The discipline tends to assume advocacy to be either the role of other disciplines or to have been a misguided school of thought from the 1960s that never gained traction. However, urban planning is being used in the advocacy realm quite often, from environmental justice campaigns to community benefits campaigns. Expertise in urban and regional planning skills is important for these campaigns, but so are advocacy and organizing skills. Academic City Planners may retort that these skills can be disaggregated to various persons. However, the planning skills are not so easily disaggregated from the political skills and *goals*, just as lawyers are not often very useful in these campaigns unless they have bought into the political *goals*.

Planning has no important theories or critiques of power. Since planning theory is largely a set of “guidelines for practice”, as Cenzatti says, it does not analyze the political economy in which that practice is undertaken. Planning scholarship has largely assumed planners to be at the center of power; while acknowledging the difficulties attendant with answering to political employers, planners are still conceptualized as those persons who are working for either capital or the state. By conceptualizing planners in this way, there is no need to theorize power. The literature dealing with power in planning largely focuses on what is essentially office

politics for public agency planners, or on internal meeting dynamics of pre-determined “stakeholders.”

Planning in practice frequently ignored class, race, and gender analyses and accepted the current political economy as a given. Perhaps this was a necessary consequence when planners were nearly always employed by public agencies and private interests supporting capitalist land and commercial developers. But, this is not the entire range of interests in which city planning currently has relevance. Far from it! City and regional planning are relevant to resistance struggles among various disenfranchised and oppressed communities. Take environmental justice, for example. In a movement to shut down a power plant, the inevitable question arises about how the larger society is going to access the power lost if this plant is closed. Will we use new technologies? Will we place a new plant in another community? Will we just have to conserve more? These are important questions, and they have consequences. Without a planning vision for both the neighborhood in which the contested plant is situation and for the larger community dependant on the power provided by it, residents will be (and are) accused simply of being NIMBYs and activists are attacked for “not having a plan.”

One reason that planning scholarship might ignore or shun advocacy planning is that in practice it is politics that matters, not planning, and the discipline, despite some important protestations, continues to operate under the assumption that politics corrupts planning. My entry into the field challenged me to consider how planners might practice or encourage processes that effectively incorporate community organizations into urban politics to resist the growth machine. Accordingly, I will begin to address this issue in this chapter by exploring planning theory and practice as it relates to the empowering of communities to challenge the urban growth machine. Two important sub-questions to be considered are: (1) How can community organizations create effective intervention strategies? and (2) How can marxian critique and advocacy and organizing strategies strengthen planning intervention for social change.

The discussion of the relationship between politics and planning provides much debate among planning practitioners and theorists. Some maintain that planners should remain dispassionate experts while others see themselves as mere technicians. Planning is not politics, but politics is an essential and unavoidable component of the practice of planning. Politics is already a component of incrementalism, mutual partisan adjustment, policy analysis, and even social learning (Lindblom). Instead of being the reason that planning “doesn’t work,” planning can work through the conscious use

of politics. First, we will consider incrementalism as an example of how politics is used in the practice of planning. Second, the marxist critique will be considered. Third, Alinsky's action-oriented community organizing strategy and Davidoff's advocacy-based planning theory will be discussed as illustrations of how politics can make planning work better. Fourth, I provide lessons and observations from my own work experience with community-based organizations that were challenging the growth machine. Finally, I conclude by exploring the role a hybrid Davidoff/Alinsky model can have through using communicative action as a "process" rather than a "practice" and provide examples from my own work and experience.

According to Christensen, planning is "a deliberative process of devising a set of actions to change the future course of events for some public purpose." (Christensen, 1999).³⁵ According to Beauregard, planning is "the materialization of the societal structure of power and privilege." According to Castells, planning refers to the set of interventions available to regulate capitalism and mediate conflicts. Lefebvre claims that planning is the public production of space, what Yiftachel and Huxley refer to as "all policies and practices which shape the urban and regional environment under the auspices of the modern state." (Yiftachel & Huxley, 2000)³⁶

Planning theory says a lot about the role of the public agency planner, but it cedes the debate over the role of resistance. This is a problem for at least two reasons that should concern the planning academy. First, planning students are interested in working in resistance movements, and these movements have use for their skills. Many of these students end up working in nonprofit organizations or unions, and the assumption from the academy seems to be that they are not planners. Second, resistance movements are a part of the *de facto* planning process. The academy treats them as defects of democracy (a charge not uncommon to early social movement theory).

The discussion of the relationship between politics and planning provides much debate among planning practitioners and theorists. Some maintain that planners should remain dispassionate experts, while others see themselves as mere technicians. This chapter will outline the planning theory as it pertains to the issue of how the advocate/planner practices and participates in radical planning campaigns.

A: Planning as Politics

Planning is not politics, but politics is a necessary constituent of planning. For this reason, scientific rationality could not survive intact as the dominant planning practice. Scientific rationality demands an appeal to reason. Politics present an endogenous variable that makes the scientific

method unpredictable. Tugwell attempted to devise a system in which politics could be removed from planning. However, considering the importance of the public matters at issue in planning, removing politics from the practice is not a realistic expectation in a democracy. That does not mean that planning does not work; only that scientific rational planning is unworkable. It is also undesirable.

Planning addresses many of the most important policy decisions that society faces. Tugwell understood this, but thought that somehow government and politics could be separated in a democracy. Planning must incorporate politics; in fact, in practice it almost always forced to do so. A better way to understand planning is to think of politics not as an obstacle, but as an element of the endeavor. That is, we should theorize politics as a necessary and important part of any planning process – at least in a democracy. In so theorizing, we can understand societal problems from the point of social inquiry rather than social *science*. This will help to ensure that planning can function within a democratic context and not be something that exists in the realm of the incomprehensible for most citizens. This understanding can help us to better relate planning to the non-rational individual and collective actors for whom the endeavor is undertaken. This in turn will help us to define relevant and important problems, which in turn will help legitimize the process. Politics will always be an important factor in planning. In order to remain relevant to practice (and therefore, relevant at all), planning theory must incorporate politics, not alienate it. In so doing, planning and democracy can coexist legitimately.

Incrementalism describes a step-by-step cautious approach to policymaking. The initial policy context is accepted as a given; there is no critique of this context. Instead of articulating a long-term policy goal, incrementalism small policy changes made occasionally depending upon the political context of the moment. Although incrementalism appears to take a pragmatic approach to planning, it does not give us a picture of how incrementalism would actually work. Mutual partisan adjustment expands on incrementalism to show us how it might be used to make policy. The idea of mutual partisan adjustment is that through a political process of differing interests, at any given point a certain compromise may be reached to amend a certain policy. Over time, the incremental nature of this process will lead towards more progressive outcomes. This school of thought is somewhat naïve in this last consideration, since it is just as possible to regress incrementally as it is to progress incrementally. The response to such criticism may be found in the unfortunate propensity of many pluralist theorists to conflate the descriptive with the normative, and in doing so

preach a tautology. That is to say, if mutual partisan adjustment is defined as a process that produces incremental progressive change, then any change affected through this process must be progressive. Therefore incrementalism always results in progressive change. It is just this type of “reasoning” that so infuriates the Marxists.

B: The Marxist Critique: Acknowledging and Understanding

The Marxist critique of planning goes directly to the heart of scientific rationality. Planning ignores class conflict, trivializes the state, avoids structural problems, and is adverse – if not hostile – to politics.

Assumptions are not stated, goals are only vaguely articulated, and theory is a tautological exercise that rationalizes practice. As a result, the critique goes, “even if planning theory were to propose structural changes it would be unable to do so because it is fundamentally a tautological process.”

(Cenzatti, 1987 p. 446) According to Cenzatti:

The Marxist critique of the public interest is substantiated in the analyses of specific planning practices. These critiques tend to follow a more or less fixed pattern. There is, to begin with, a general critique of mainstream planning theory on the ground of ideology, indefiniteness, and depoliticization. Second, planning activity is linked to the state apparatus. Even planners who try to act outside the state will keep it as a major point of reference, since sooner or later they will have to confront it and are therefore, de facto, acting within it (Fainstein and Fainstein 1978; Peattie 1978). The state is seen as a set of institutions whose task is to guarantee the reproduction of the existing social relations of production and to facilitate a smooth accumulation process by mediating the conflict between labor and capital and by regulating the secondary contradictions within the capitalist class.

The Marxist school focuses on two levels of theory: action-based and analysis-based. Both levels are articulated through a dialectical process that acknowledges assumptions and confronts contradictions. Again, according to Cenzatti:

The third step is the choice of a particular subject of analysis in which state intervention, and state planning, take a specific form. The choice and the treatment of the specific subject is where the two roots of the Marxist approach reveal their differences. “Academic”

Marxism focuses on a specific form of planning as an example of the contradictions managed by the state (urban planning is a favorite subject). The interest of the analysis lies in understanding the workings of the process; the main dynamics are recognized in the hand of capital, and working-class action is seen as reactive to them. By contrast, action-oriented Marxist studies linked to advocacy focus on the collective actor, that is, social movements and community action. Although existing planning practice is recognized as serving the status quo, new forms of social action are actively sought in order to establish different planning practices.

Piven and Cloward articulate an action-oriented strategy for effectuating social change by showing the successes and failures of mass movements to improve the conditions of the poor and working class. Harvey articulates an analysis-oriented strategy for understanding social change that describes the contradictions inherent in planning for equity within the constraints of the capitalist state. Both of these strategies offer valuable insights for planners. Harvey shows planners that the institutional framework and the underlying assumptions for action and thought must be acknowledged and understood before a course of action can be undertaken. Piven and Cloward show planners how organizing and mass movements can accomplish policy goals. These strategies provide an intellectual bridge to Alinsky and Davidoff.

C: Planning Responses to the Marxist Critique

Marxists were not the only ones criticizing planning theory. Many practitioners knew from their own experience that the traditional bureaucratic rational model (a practice model) was either not working, simply reproduced the status quo, or both. Politics was always present, even where practitioners were ostensibly obeying the scientific rational model (a theoretical model). City planners were expected by the elected officials to be responsive to the officials' political needs, even if it undermined the planners' rational way of doing business. City planners may continue to feel this type of pressure as long as their cities remain democracies, but two "movement" social change strategies give some guidance as to how planners – all planners, not just city planners – might use politics to further their planning goals, rather than continually reacting to "exogenous" political influences.

Alinsky presented an action-oriented strategy to affect social change. Designed principally around a discussion of ends and means, Alinsky takes what might be pejoratively described as a morally relativist position on political strategy, but his method is predicated on understanding the political context of particular intervention, opportunity, and reactive events in order to successfully move toward a goal. Alinsky embraces an “ideology of change” that is advocated by “radicals.” However, his ideology is rather non-ideological (in the sense that his method can be used for any type of change; and his reasons for embracing change as a philosophy are not very persuasive) and his radicals are better understood as advocates and organizers. Nevertheless, he has articulated a method that has produced many successful urban and rural social movements and could easily be used by planners to further their goals. The problem for planners with Links is that there is lacking a theory of planning practice that frames his method for them. Davidoff provides that framework.

Davidoff articulated an advocacy-based planning model. Using the legal profession to illustrate how an advocate-planner might behave, Davidoff presents a persuasive model of practice that dispenses with the tired and unattainable goal of neutrality by proclaiming that planners should zealously advocate on behalf of their clients or interests. In particular, planners should advocate for the interests of the poor and underrepresented. According to Clavel, “This metaphor of planning as advocacy has resonated down the years, still the most persuasive – perhaps the only persuasive – idea of how a planner might reconcile professionalism and political engagement.”

Davidoff describes pluralism as being a necessary component to advocacy planning. Without the articulation of differing and myriad interests within a democratic context, the idea of political engagement through advocacy does not make much sense. Davidoff claims that planning has been stifled though a process where a single public agency plans and planners are expected to support the plans that are made through this process. (Although things have changed since 1965, when Davidoff was writing, the public planning process today is not that much different and his insights still apply.) What he suggests is the creation of “plural plans” that could be produced by differing interests and used as a basis to stimulate policy debate.³⁷ Such a pluralism in the ways plans are produced would serve planning practice by (1) better informing the public of alternatives since the alternatives will be articulated by those who actually support them, (2) forcing the public planning agency to compete with others to win

political support, and (3) forcing critics of “establishment” plans to produce superior plans of their own.

D: Communicative Action Theory

Innes claims that the “long-bemoaned gap between theory and practice in planning is closing as a new type of planning theorist is beginning to dominate the field.” She calls this new theorist the “communicative action theorist.” This new theorist “pursue[s] the questions and puzzles that arise in [his or her] study of practice, rather than those from which emerge from thinking about how planning could or should be. . . . [He or she] build[s] on the most fundamental of findings from [his or her] study of practice – that planning is more than anything an interactive, communicative activity.” This new theorist represents one of a diverse range of communicative action theorist, rather than a neatly-unified school of thought. These theorists “delv[e] into many questions of practice using a variety of intellectual lenses, such as psychology (Baum), negotiation and consensus building (Susskind & Cruikshank), discourse and rhetoric (Throgmorten), ethics (Howe), representation (Liggett, Peattie), institutional analysis and discourse (Healey), and the theories of Habermas, Foucault, and Giddens”. (Innes, 1995)

Innes claims that the emergence of this new theorist represents a paradigm shift in planning theory. Huxley and Yiftachel dispute this claim, noting that “the communicative planning field as we see it also shares with the rationality-in-planning school a tendency to see planning as a mainly procedural field of activity, one degree away from the political and economic realities of power and inequality in urban and regional development.” (Yiftachel & Huxley, 2000) Innes borrows the concept of “communicative action” from Jurgen Habermas’s theory of communicative action. (Habermas, 1984) This has raised some concern among critics because, as Neuman points out, “[t]he main weakness of communicative planning theory is that it *borrow*s from communicative action theory.” Neuman goes on to say that this makes “communicative planning theory derivative [and] helps ensure that planning remains a ‘minor profession,’ . . . Such subordination to ideas created by others, decades ago, to describe phenomena different from planning today comes at a great expense to the development of planning theory.”

Communicative action planning is not the same as collaborative planning or consensus-building planning. Those latter practices are subsumed under the communicative action planning rubric, but they represent certain

directions within communicative action planning. Collaborative and consensus-building planning focus on bringing different voices together to inform the process of planning. Although sometimes the terms “collaboration,” “consensus-building,” and “communicative action theory” are used interchangeably, it is important to remember that communicative action theory is broader than collaborative planning. According to Stromberg, “[c]urrent planning theories focus on participation, communication and dialogue.”(Stromberg, 1995) This is an astute observation as communicative planning theory is actually a group of related theories based largely upon the concerns Stromberg enumerates. Communicative planning theory is informed and influenced by Habermas’s communicative action theory, and in some respects by Foucault’s theory of discourse power. (Habermas, 1984, 1996; Foucault, 1983, 1991)

Healey describes communicative action theory as an “umbrella” of differing inspirations and emphases.³⁸ She observes that “what unites these differing strands of work is firstly, a recognition of the importance of ideas and how they flow around social relations, carrying power and ‘making a difference.’ Secondly, they are underpinned by the phenomenological recognition that knowledge and ways of thinking cannot exist except as social constructions. Consequently the production and flowing of ideas is an active process of framing ways of thinking and acting, rather than a search for absolute truth.” (Healey, 1997) Healey is concerned about the plan. Who writes it? Who reads it? What is it trying to say? She examines these issues of communication in the context of traditional governmental planning processes. As even the political economists would agree, Healey is concerned with forging a synthesis of institutional-based and communicative-based perspectives. (Healey, 1997)

Prior to the ascendance of communicative planning theory, the dominant mode of planning practice was the rational model – which I refer to as the bureaucratic-rational model to stress that it is not the only model employing rationality and to better describe its hierarchical and institutional perspective. Most theorists who would have found themselves defending this school have been persuaded that communicative action is the better practice. Baum (1996) explains the challenge communicative action theorists presented to the bureaucratic-rationalists:

The position of rational theorists on politics is simple: no one is involved in it, and neither are planner[s]. In contrast, contemporary planning theorists recognize that planning is implicated in politics,

and they write a great deal about how decisions get made. They also recognize that planners are actors in this world, and they describe planners' interactions. In general, contemporary theory is more empirically grounded than rational theory. . . .

Communicative theorists take plans more seriously than the rationalists: each word matters, implying or creating speakers, audiences, and embracing communities (for example, Mandelbaum 1990). . . . In general, written documents and oral presentations constitute "stories" about roles, politics, and communities (for example, Healey 1992a, 1992b; Hoch 1994; Mandelbaum 1991; Schoen 1983, 1991; Throgmorton 1992). (Baum, 1996, pp.368-69)

Forester focuses on the individual planner and his or her practice. The practice-based theory he puts forth is notable for influencing the turn from understanding the planner as an objective observer of the political process to an active participant in it. Forester's work has centered around interviewing and observing planners in their actual practices, from which his work has gained valuable insights.

In planning and many other kinds of participatory processes, learning [about value] occurs not just through arguments, not just through the reframing of ideas, not just through the critique of expert knowledge, but through transformations of relationships and responsibilities, of networks and competence, of collective memory and memberships. . . .

Much more is at stake in dialogic and argumentative processes than claims about what is or is not true (as crucial and essential as factual analyses of health risks, for example, certainly *are*). At stake too are issues of political membership and identity, memory and hope, confidence and competence, appreciation and respect, acknowledgement and the ability to act together. The transformations at stake are those not only of knowledge or of class structure, but of people more or less able to act practically together to better their lives, people we might call citizens. (Forester, 1999, p.115-6)

What are a planner's ethical obligations? Forester's argument is that it is the process -- and how the process transforms the participants -- that is

important. In an argument over the importance of means versus ends, communicative action theory seems to argue that such a dichotomy is irrelevant. That is, means *are* ends. The theory would seem to be that the outcome actually achieved *itself* is unimportant, because the more truly participatory the process, the more democratic will be the outcome.

Although it is unlikely that there is any one end that communicative action theorists are endeavoring to reach, it is clear that these theorists seek a process that is better equipped to redress the actual concerns of those who are affected by planning. This process is both the means and the end of communicative planning theory. Innes and Booher argue that certain functions must be operative within a dialogue. First, each participant must “legitimately represent” the interest that the participant claims to represent. Second, each participant must be sincere. Third, each participant must “make statements that are comprehensible to others.” And, finally, “each statement must be accurate.” These functions operate together to effect “collaboration.” (Innes & Booher)

There still remains the problem of outcomes. Whether or not communicative action theory presents models that actually lead to more democratic outcomes, the question of the quality of these outcomes is rarely addressed. Perhaps, that is because many communicative action theorists are actually concerned with the individuals participating in the process and what they, as individuals, get out of it. But, as we will see below, it is hard to understand how the “transformation” of individuals addresses the institutional and organizational questions that public decision-making impacts in the short-term as well as the long-term.

E: Beauregard’s Institutional Realm Critique

Harvey “seek[s] to place the planner in the context of a sociological description of society which sees class relations as fundamental.” (Harvey, 1983, p. 167) For Harvey, economic distribution is generated through class struggle, with the state playing an important role. He is situated in the neo-Marxist school of political economy, which for somewhat obvious reasons has been skeptical of the idea of collaboration in an environment of class antagonism. The Marxist position plays a valuable role in generalizing relations among various interests in society, but it does fall easily accused of failing to acknowledge the importance of creative ideas for inclusive

democracy. In fact, Marxists tend to be so skeptical about this possibility that it would be viewed as merely cooptation.³⁹

Beauregard describes the adherents to the political economy theory of planning as “institutionalists [who are] thin in ranks, have never enjoyed intellectual dominance within the academic planning community, and possess an out-moded set of core ideas [and] constitute a ragtag group, comprised of postmodernists, disciplined Foucaultians, unrepentant neo-Marxists, reasonable neo-rationalists, and Nietzscheans.” (Beauregard, unpublished) This somewhat unflattering assessment of the political economy school is made by a self-described institutionalist. However, Beauregard is actually directing his comments at what he considers to be the “dominant mode of planning theory,” communicative action theory. He is critical that communicative action theory has garnered so much attention and “adherents,” when in fact “planning is only important when it materializes in institutions; that is, when it appears as a function of governments, economics, or civil society.” He does admit, however, that probably “the biggest deficiency of the institutional approach is its inattentiveness to the daily rhythms of planning practice.”

Beauregard does take us a step closer to “synthesis” by acknowledging those areas where political economy is deficient and communicative action presents better solutions. (However, he states flatly that the “weaknesses can neither be magically removed, leaving the strengths intact, nor does a grand synthesis lie hidden and awaiting discovery.”) Beauregard’s contribution to our discussion is his concept of the “institutional realm,” for which he draws on theorists such as Huxley, Flyvberg, Allen, and Fischler who are heavily influenced by Foucault’s discourse theory of power. Citing Allen and Huxley, he states that the “primary concern is the way in which the modernist state imposes subjectivities that create ‘self-regulating citizens’ who seek (without overt coercion) conformance to normality. Through such discursive management, the state achieves its goals of social control and simultaneously creates the identities of citizens. Power appears not as a force but as an institutional rationality, and planners find themselves implicated in its tendencies and absences.”

Beauregard claims that there is a “deep-rooted ‘institutional’ realm that weighs heavily on planning practice but is not immune to resistance and transformation. They thus offer practitioners an escape from structural imperatives. The implication is that planning can be democratic in a non-democratic society.” Beauregard does not discuss any of the specific realms of government, but implies that the institutional realm is analogous to the

state. Beauregard credits Healey and Sandercock for offering “planning theories that have an institutional dimension but which also embed the planner socially.” He claims that their “implicit objective is a synthesis of institutional and practice-based perspectives.” He argues that Healey “attends to social networks, forms of governance in which formal and informal powers are exercised, institutional capacities, and cultural embeddedness.”

Huxley and Yiftachel argue that “[u]rban/regional/environmental planning are practices that are carried out by, or in relation to, the state and have as their ostensible object the spatiality of social processes . . . [;] the connection of planning to spatial policies of the state is what gives the practice of planning its specificity[; that is to say, t]he practices of urban/spatial/environmental/community planning are connected in diverse and changing ways to the state, its powers and resources deployed in projects of spatial management.” (Yiftachel & Huxley, 2000, p. 338-9) The argument is that the state plays a central role to planning, particularly environmental planning, and collaboration is not a realistic alternative. This argument, I think, misses the point of collaboration. There is a role for the state in communicative action theory – indeed there has to be – but the question is how to implement collaboration, not whether collaboration can replace the state.⁴⁰

Fischler argues that the “new forms of decision-making that are advocated may also induce political costs, to the extent that they help to undermine representative democracy and state intervention. The creation of arenas for consensus-based deliberation, a positive step in principle, comes in response to a crisis of democracy and of the welfare state in late capitalism.” (Fischler, 2000, p. 364) Although Fischler’s observations are astute, he too misunderstands the role collaboration can play in the state. He assumes that collaboration will undermine state intervention, rather than redefine state intervention. The concern of undermining representative democracy is an important one; the entire American constitutional framework was set up to protect the (political) minority from the majority – and not without good reason.

Beauregard’s institutional realm critique is an important formulation of the political economist complaint with communicative action theory. The use of the term “the state” suggests Marxist political economy in which an oppressive governmental/bureaucratic behemoth is a tangible class enemy. While such a formulation might be a simplistic and unfair characterization of the theory, the Marxist conception of the state often misses out on the nuances of political influence in modern democratic states. Beauregard

argues that decisions are made through institutions and that planners cannot divorce themselves from this reality by embracing collaboration. However, he presents no convincing argument why collaboration cannot work in and through institutions.

F: Traditions of Equitable Planning Practice since the 1960s

Clearly, there has been a tradition of progressive planning dating back to at least the Garden Cities movement of the late 19th Century. Perhaps, there is the complication of the term “progressive,” which has the murky meaning of any term right out of the urban growth machine debates (indeed: what does “community benefits” really mean?). There is no easy – and certainly no one – answer to the question. For the purposes of this dissertation, I take “progressive” to mean a certain liberal/leftist and activist orientation. My preference would be to label the tradition “radical,” but that term is additionally complicated by the fact that one of the discrete schools in this tradition calls itself radical planning, that I tend to use the term radical in the Robert Self sense (describing strategies focused on outcomes rather than process), and that the term radical often conveys an ideological rather than pragmatic orientation.

“Equitable” planning seems to be the best term to use for understanding the planning practices at issue in this dissertation. First, the schools of planning practice that I am examining are all concerned with either the equitable consequences of planning decisions or the equitable participation of the community in making planning decisions. Second, as new regionalism takes hold in planning discourse there is a valuable gap that needs to be filled on the equity “E” of implementing regional collaborative governance structures. The schools examined here were and are dedicated – at least implicitly – in doing just that. Finally, the current discourse among activists on forging more equitable outcomes in planning decisions is frequently referred to as “Equitable Development” principles. The participants in community benefits campaigns around the country often refer to equitable development in their policy rationales.

Clearly, I am not attempting an exhaustive genealogy of progressive or radical planning. John Friedmann has done that already. (Friedmann, 1987) Here, I place the idea of Movement Planning in a specific tradition of equitable planning ideas since the 1960s and in relation to the dominant communicative planning discourse of the academy. To avoid the former would be to imply that movement planning has no context within the discipline; to avoid that latter would be to imply that movement planning has no relationship to scholarship.

But, why start in the 1960s with Advocacy Planning? The ascendancy of social movement activism in that decade created a fertile groundwork for political action outside mainstream institutional settings. This groundwork of political action set the stage for new ways of thinking about how to make planning relevant to those engaged in struggles for economic, environmental, social justice outside of public agencies. Movement Planning fits into a tradition of planning on behalf of justice agendas and operating outside of public agency settings.

G: Social Movement Theory and its Relationship to the Equitable Planning Tradition

Social movements seek out opportunities in the political system they seek to change. They use these opportunities to exploit hypocrisies, find entry into the system, and recruit, mobilize and sustain memberships. However, these opportunities are not merely presented by the political system; social movements can and do create opportunities. McAdam's initial work (1982) suggested that political opportunities were presented to movement participants by the state. His later work – including a new introduction to the second edition of his 1982 work – has refined his model to include a feedback loop that demonstrates how movements can create opportunities and how states respond to such collective agency (McAdam, 1982[1999]; McAdam, 1996; McAdam, Tarrow & Tilly, 2001).

Tarrow (1996) dismisses the idea that mobilization can be explained by slowly evolving structural and motivational factors. Instead, he suggests that an interaction between movements and states creates and expands opportunities that, in turn, lead to mobilization. Tarrow calls this “dynamic statism,” which is similar to McAdam's feedback loop. Another scholar suggests that the dynamism of the political opportunity structure can be understood as the state “policing protest” (della Porta, 2001). This has important consequences for the creation and re-creation of movement repertoires. The political opportunity structure can be conceptualized as the framework around repertoires are created. Repertoires are the universe of political and social action available to, or articulated by, movements (McAdam, Tarrow & Tilly, 2001). Repertoires differ from recipes in that they offer the tools available to implement certain strategies that form movement recipes (Silver, 2003).

Miller (2001, p. 37) suggests that the PPM could “explore the geographical differentiation of the state across places and scales, and how that differentiation affects social movement strategies, success, and failures.” Although Miller believes that a geographical perspective will help toward

better understandings and synthesis of the three models, his insights are particularly useful in understanding PPM. Routledge (1993) argues that place informs us about (1) why social movements occur where they do, (2) the nature of specific movements, and (3) the motivations and experiences of movement participants. According to Routledge (1993, p. 140), “each locale produces its own set of circumstances, constraints, and opportunities for social action.” Routledge, like Miller, attempts to place his work in all three models of social movement theory, yet his insights are particularly useful to an understanding of PPM.

There are two main issues from social movement theory that are relevant to this study: political opportunities and repertoires of contention. Political opportunities were an important contribution by the proponents of the Political Process Model. These theorists argued that RMT and others considered (political) structural issues as passive or, worse, not even relevant. Social movements gained “take-off” through exploiting political opportunities and therefore the political structure was not only helpful in understanding mobilization, it was essential. The problem with this essentialist argument was that it, too, considered – at least implicitly – political opportunity structure as static. Further work by political process model (PPM) theorists demonstrated a “dynamic” relationship between social movement actor and the state in creating political opportunities and threats. Additionally, these theorists argued that the existence of a dynamic political opportunity structure was not enough – there must be an understanding and acknowledgement of these opportunities and threats by the parties. Mechanisms such as social appropriation, brokerage, and certification help us to better understand how social movements participated in understanding, acknowledging, creating, and responding to political opportunities and threats. *Social appropriation* takes place when movement actors seize an opportunity or respond to a threat by stealing the organizational shell and resources of an already-existing organization. *Brokerage* takes place when movement actors make previously unknown connections between events, rhetoric, actors, etc. in an effort to demonstrate opportunities and threats to larger audiences. *Certification* takes place when an actor such as the state chooses another actor to represent movement interests. This is familiar concept to many urban community activists in the United States as cities choose a “responsible” actor to represent “the community” and officially marginalizing other actors.

Repertoires of contention refers to the menu of tactics that social movement actors may utilize at a given time and place. Over time, repertoires shift as certain tactics become less effective, predictable, or

unpopular. New tactics arise through political opportunities and threats. McAdam, Tarrow and Tilly define repertoires as “limited ensembles of mutual claim-making routines available to particular pairs of identities” (2001, p. 138). This metaphor “conveys the idea that participants in claim-making . . . do not simply invent an efficient new action or express whatever impulses they feel, but rework known routines in response to current circumstances” (McAdam, Tarrow & Tilly, 2001, p. 138). These scholars think of repertoires as modes of action based upon mutual understandings. These modes of action are modified through innovation to address the problem of predictability. Social movements that consistently engage in the same type of protest actions lose the power of surprise; these actions become anticipated by their opponents who modify their own repertoires to dilute the effectiveness of the social movement actions. This “conversation” between social movements and their opponents through adjustment to each others’ actions demonstrates the dynamism of contention that the initial formulations of the political process model missed (McAdam 1999; McAdam, Tarrow and Tilly, 2001).

According to McAdam, Tarrow and Tilly (2001), there are three “dimensions” of repertoires of contention: (1) particularism; (2) scale; (3) mediation. Particularism and mediation are of special interest to this research project. Particularism refers to the relationship of claims and certain places, spaces, or issues. A claim that a particular polluting industrial plant located in a low-income neighborhood be shut down is tied to place (*that* plant in *this* neighborhood). Mediation refers to the level by which intermediaries are necessary to communicate claims. An ongoing challenge for urban social movement organizations is the role of the intermediary, which is often viewed with skepticism by membership base organizations, but which also perform important technical work in the increasingly complicated world of urban economic and environmental justice. Also, foundations that fund urban social movement organizations or their work often insist on intermediaries to be present to assist the membership base organizations with crafting and presenting their claims.

Repertoires of contention are affected by various mechanisms. Brokerage and certification are two mechanisms that are used in building, maintaining, and adjusting repertoires of contention. Two others are category formation and object shift. *Category formation* is the process by which identities are created. Social movements use repertoires to build identities for themselves and their members, while authorities respond by attempting to frame movements’ and members’ identities in ways that are either not sympathetic or that dilute the mobilizing power of identity. This

can be seen in urban disputes over who represents the community in claims against the city. An organization frames its identity to encompass a relevant geographical area, while city officials respond by claiming that they represent only certain interests or certain narrower geographies rather than the larger area. An organization will utilize a repertoire that may include identifying itself as representing the larger area, structuring leadership to include members from the different smaller areas within the larger area, and maintaining a presence throughout the larger area. City officials may respond by only meeting with the organization on certain issues concerning certain areas that the officials claim the organization “really” represents. They may meet with other groups instead of the organization where the officials claim the organization does not represent. Here, we can see how certification and category formation can be used together to adjust to an opponent’s repertoire.

Object shift refers to a change in relationship between claimant and an object of claim. Object shifts can occur locally when various urban social movement organizations that focus on different missions (such as environmental justice, affordable housing, youth issues) come together in coalition to address a particular development that will impact them, their members, or their mission. Such shifts can also occur when campaigns “jump scale” (Smith, 1996) to bring in stronger allies at state, regional, or national scale. In both cases the shift entails an adjustment of repertoires as campaigns interact with others who may demand different tactics as the measure of cooperation. So, in the case of the anti-development coalition, many of the campaigns will have to agree to organize around the urban development process and may have to face antagonizing actors they normally have to work with (such as an otherwise friendly city councilor, a developer, city staff). In the case of jumping scale, a campaign might have to learn new ways of organizing around state and national actors which, in turn, may shift their claims according to how these actors view related claims at higher scales. In the polluting industrial plant example above, a campaign might add a tactic of organizing for more stringent state emission controls as a way to force the plant to shut and win stronger allies. This may serve the goals of shutting the particular plant, but it shifts the object of contention by adjusting the repertoire.

Advocacy planning rests on a vision of pluralism in which the public interest can be determined through competing visions and plans over development issues. It incorporates an attorney conception of the planner, who operates outside of public agencies as an agent for community or other interest in putting forward that interest group’s plan for development in the

city. Frances Fox Piven and Richard Cloward might be the most important theorists of this tradition (it was too disorganized to constitute a school). These scholars embraced the poor people's movements of the 1930s and 1960s. According to Friedmann,

Radical planning, always based on people's self-organized actions, stands in necessary opposition to established powers and, more particularly, the state. For the state to engage in radical planning poses a contradiction in terms. Still, it would be wrong to ignore the state's existence or treat it as an adversary only. Its presence is pervasive, and social advances achieved through a radical planning that bypasses the state will quickly reach material limits." (Friedmann, 1987, p. 407)

This tradition of radical planning is a forerunner of movement planning. Radical planning privileged political action and protest to further redistributivist policies through, among other things, city planning processes. Its theorizing, however, rests not with the practice of radical planners, but the protest of low-income persons. Friedmann later flushes out the radical planner in his theory of transactive planning, which is discussed below.

Equity planning resides squarely inside the public agency setting. It was an attempt to incorporate the concerns of the advocates of advocacy and radical planning into the governing apparatus of the day. Predicated on an idea that planning was specifically a public function in which the outcomes of decisions were the responsibility of government, equity planning was an experiment in transforming public agencies into instruments of redistribution of the benefits and impacts of urban development in the wake of urban renewal disasters and community backlash.

Friedmann articulates a normative theory of radical planning called *transformative theory* (and *transactive planning*). Friedmann insists that "radical planners must not become absorbed into the everyday struggles of radical practice" (1987, p. 392). They should be "mediators, who stand neither apart from nor above nor within such a practice." Friedmann's theory calls for the linkage of practice and theory (although not in ways I might encourage) and for the use of empirical observations and normative theory. However, his work is not at all grounded in empirical research. He is positing a normative theory that would assist in transforming the state (or society) through planning.

Friedmann's radical planner is utopian, in the sense that he envisions a mode of practice that considers social mobilization and uses it as a feedback

loop, but that is still working in the public interest (albeit, transforming what the public interest is). My radical planner is situated in social movements and is working to transform society through this contestation. Some of the examples Friedmann gives of where radical planners might be found (such as a union) are more representative of my radical planner than his.

Friedmann gives examples of the work radical planners do. He concludes by noting that “[t]hroughout this effort, radical planners must work to expand people’s *horizon of possibilities* by relating pertinent experiences from other parts of the world and discovering ways to broaden collective efforts once the basic objectives of the group have been achieved. In this way, the momentum of radical practice is maintained, as social space is progressively liberated from control by the state and corporate capital.” (1987, p. 398) Friedmann’s radical planner is heavily dependent upon communicative action theory for guidance in connecting theory and practice.

Communicative planning is but one way of looking at planning. The proponents of it are trying to define the limits of what we should call planning, but using rhetorical tricks akin to TINA in the structural context. That is, according to (some) communicative theorists, there is no alternative to their interactive, stakeholder process-oriented vision of planning. This fits neatly with the perspective that planners are public agents operating in the “public interest.” Capital and state come together to decide how space will be produced, and planners assist them in that role. Communicative theorists are concerned with how planners do and should provide this assistance.

Perhaps this is an important contribution to a *segment* of the planning dynamic, but it is hardly a “paradigm shift” (Innes, 1995) that has developed into a “consensus” of planning theory. Resistance is an important segment of the planning dynamic as well, and the tenants of the communicative theorists are hardly applicable at all.

Equity is the subject of much debate in planning, and particularly in the debates about regional planning. The concern for equity can be seen at least as far back as the 1960s in the work of Peattie on the planning and building of Ciudad Guyana (1978). Krumholz was the leading theorist in the 1970s and 1980s movement toward “equity planning.” Equity planning has its theoretical roots in “advocacy planning,” a short-lived, but powerful school of thought spearheaded by Davidoff that argued for the conscious and explicit use of advocacy strategies and competing alternative plans developed by community interests. Equity planning can trace its practical roots in the opposition to urban renewal of the 1960s. While equity planning never became the dominant theoretical perspective of planning, it did

influence the creation of ethical standards for planners who are obliged to consider the equitable consequences of their actions.

Recently, with the resurgence of interest in regional planning, equity has been again a topic of debate in planning. As one of the three Es (economy and environment being the other two), it is believed that regional planning must incorporate equitable concerns. The challenge has been not only how to implement equity, but even how to define it. Much of the regional planning experiments have incorporated business and other middle class interests as significant partners. The result is that economic concerns are highlighted, environmental concerns are less important, and equity – when it is seriously discussed – is the subject of definitional argument. A new school of “community-based regionalism” has attempted to link community concerns with regional ones. These theorists largely use community as a proxy for equity and regional as a proxy for economy, and suggest that it is up to communities to engage the region. This call for innovative ways to interject equitable concerns into economic development has been heeded in some part. Community organizations have found many openings to participate in the politics of land use planning and development at the municipal and metropolitan levels. The one relatively constant authority cities have is regulating land use within their jurisdiction (Richmond, 2000; Yaro, 2000).

Equitable development is a term that is used most prominently by the public policy research organization PolicyLink. While PolicyLink maintains a national audience for its “equitable development toolbox,” it is the Urban Strategies Council that works directly with community organizations on equitable development strategies in Oakland. PolicyLink maintains the toolbox, but the Urban Strategies Council has done the most work on devising a set of principles relative to equitable development in Oakland. In this paper, unless explicitly made otherwise, the term equitable development will refer to the theoretical framework outlined below in its several variants.

There is an emerging field of literature on “new” ways for labor and community organizations to be involved in economic, environmental, and equity planning and development on a metropolitan scale. (Luria & Rogers, 2001; Swinney, 1998; Pastor, Dreier, Grigsby & Garzza, 2000; Reynolds, 2002; Fine, 2006). Work-based and Neighborhood-based (commonly known as “labor/community”) coalitions have been generally undertheorized, but work has been done on them within discussions of certain issues that attracted coalitional organizing (Luce & Pollen, 2000; Reynolds & Kern, 2001; Bernhardt, Dresser & Rogers, 2001), as well as on the nature of labor and community collaboration itself (Rose, 2000; Fine,

2006). There is an additional field of literature focusing on the metropolitan region as the locus for rational planning and political coalition. (Katz, et al., 2000; Orfield, 2002; Dreier, Mollenkopf, and Swanstrom, 2002).

Organized labor has embraced the concept of accountable development, most noticeably through the work of organizations like the Los Angeles Alliance for a New Economy and Working Partnerships USA. This conception of equitable development tacitly acknowledges labor's historic and on-going role as a partner in the urban growth machine. Labor makes it clear that it does not oppose growth – in fact, no variant of the equitable development movement is no-growth – but that it does expect that capital and state be accountable for the way the use public investment.

Luria and Rogers have championed the idea of high-roading, which has been embraced by the AFL-CIO through its Union Cities campaign. High road economic development occurs where firms rely on high-quality products and services to realize profit; low road economic development occurs where firms rely on cutting labor costs to realize profit. According to Luria and Rogers government can encourage high road economic development by: (1) removing subsidies to low-roading firms; (2) discouraging bidding wars between and within states; (3) targeting development supports to regions on a per capita basis; (4) encouraging the growth of economic development authorities on a functional, regional basis; (5) directly encouraging high-roading. Organized labor has been supporting high-roading in addition to accountable development. The Seattle Worker Center, the Union Cities Project, and [the Denver economic development advocacy organization] are all examples of ways in which labor is organizing to provide research and advocacy support to high-roading.

“Smart growth” is the most current iteration of sustainable development planning and policy. Salkin, the leading legal scholar on smart growth, refers to this variant as “the laws that regulate land use and development that can support sustainable development.” Once referred to as sustainable development, smart growth is a term devised to signal potential opponents that it is not opposed to growth. It is about recycling urban land and using that land in a way that fosters vibrant communities that are both economically and environmentally sustainable. Smart growth is often seen in planning circles in its design forms as new urbanism or transit-oriented development. Neither form explicitly takes account of equity, and the former now has well-established consequences of creating expensive middle-class neighborhoods. New urbanism is often criticized as being based on discredited notions of material determinism. Its proponents disagree, but as a result of the kinds of communities new urbanism has

already created, it is seen by its opponents as planning for wealthy folks and as a force for gentrification. TOD is more policy-oriented than design-oriented, but it also founded on the theory that the design (layout rather than aesthetic) of the urban form will itself provide equitable benefits. These equitable benefits are often described in environmental terms, including the provision of open space, which is not an equitable benefit.

For the new regionalists, equity is one of three “variants” of regions. The others are environment and economy (Pastor uses “efficiency”). The new regionalist think of equity differently. They see the region as a scale at which redistribution can occur. They see a link between community and region, sometimes called Community-based Regionalism, which addresses both Katznelson’s dilemma of the false class consciousness arising from the political separation of work and home and Peterson’s city limits critique where redistribution is impossible at the municipal level. Pearce notes that urban political economies operate at the metropolitan (regional) level and are better referred to as “citistates” rather than cities. Orfield sees the region as the scale that can meet equitable goals by sharing tax revenue. Pastor et al. agree and additionally see regional solutions to poverty by utilizing social capital networks that are created through community building, the economic interdependence of city and suburb, and acknowledging that the region is the scale at which the economy operates locally. There is an increasing call for re-examining municipal land use authority in favor of regional approaches to land use (Pastor et al. 2000; Rusk 2000; Richmond 2000; Fishman 2000; Orfield 2002). There are some examples of metropolitan land use regulation, most notably – perhaps exclusively – in Portland, Oregon and Minneapolis, Minnesota (Rusk 2000; Orfield 2002).

It has become a cliché among planners that the field of community development is undertheorized. It is often heard that there is no community development theory, that community development is only a collection of practices. Recent work is beginning to change this perspective. There are three strategies that come out of this recent work.⁴¹

The first is the theory of community economic development – the theory that low-income neighborhoods are successful where there are avenues for market participation that address specific needs and obstacles. (Simon, 2001). The second is the theory of community ownership – the theory that low-income neighborhoods are successful where there are avenues for collective ownership of property (DeFillipis, 2003). The third is the theory of community empowerment – the theory that low-income neighborhoods are successful where there are avenues for political influence in urban politics (Marwell, 2004).

Increasingly, the principal actor in the community development field is the community-based organization (CBO). This is the result of two consequences of the postindustrial political economy: devolution and privatization (Marwell, 2004). This neoliberal reaction to the Johnson Administration's Community Action Program is founded on an assumption that the program's perceived and actual failures were the result of coordinating local policy from the federal scale. In fact, the most important failure of the CAP was a political one against city and state elected officials who saw the threat coming from the localized portion of the program, the Community Action Agencies, not from federal policy. The solution to this problem was to give local elected officials the authority to choose their CAAs. These CAAs were one of the ancestors of today's CBOs. CBOs are nonprofit organizations that are "community-based" (meaning they operate in specific localized geographies), have as a mission "to increase the needs of disadvantaged residents (i.e., 'community members' of their geographic place who are said to be receiving insufficient resources and consideration from government and market entities," and have significant participation from community members in the daily operation of the organization (Marwell 2004). CBOs operate in three "activity arenas:" service provision, community building, and electoral politics (Marwell 2004). According to Marwell, these "are cumulative forms of work; each precedes the next" (2004:271).

Self discusses the tension between black liberals' desire for outcomes and white liberals' desire for process in relation to employment discrimination in California in the pre-1964 period. White liberals supported a FEPC that provided a process to file complaints coupled with voluntary compliance by capital. Black activist and labor groups, once it was shown that process produced no desired outcomes, negotiated nondiscrimination pacts directly with capital. This not only foreshadows the procedural fix and resort to CBAs in the development context, but may also speak to the general absence of labor from CBA movements in Oakland today. Labor engaged in racially discriminatory practices along with capital in the postwar period, and tended to favor voluntary process-oriented solutions to discrimination.

The liberal approach is process-focused. This is the approach used to solve problems through the creation of processes designed to facilitate input, provide notice and the opportunity to comment, and divulge information to the public. It is predicated on the notion that better decisions will be reached through better information. It assumes that land use decisions will be better, but it takes no active interest in the decisions themselves. This "neutrality"

on the decisions privileges those with power and access already existing with the procedural regime. Where city officials and staff favor capital, capital has the best shot of winning; where they favor community, community interests will have the edge. Due to the increasing fiscal stress on cities, particularly in California with its byzantine taxing structure and its “eat-your-cake-and-have-it-too” taxpayer mentality, city officials and staff feel pressure to side with capital, believing it will have spin-off value to community.

The radical approach is outcome-focused. This is the approach used to solve problems through privileging outcomes and developing and recognizing political power. It is “radical” because it addresses problems at the root, insofar as the context allows. That is, disputes over land use are based on what people want to see happen on that land, not on whether they have a say in it or know what is going on. The latter two issues are useful where they contribute to the outcome, but are not themselves relevant to land use disputes.

The move towards negotiated contractual agreements between capital and community is a result of the failure of the liberal approach of city planning to substantively address the use value property concerns of community groups. The radical approach has two distinct advantages over the liberal approach: (1) it is results-oriented and (2) it is necessarily a political power building operation for the community.

H: Towards a Movement Planning Theory

The consequences of devolution and privatization resonate within the planning discipline. Although on first blush it might appear that city planning is quite prepared for dealing with conflict at the municipal level, it is not. What devolution and privatization has brought the postindustrial city is a framework in which no governmental scale is working in the interests of its low-income residents and workers. The “problems” of the new movement are not of the kind that is within the purview of traditional city planners. The “solutions” continue to come from pressure put on city planners by movement activists. As cities continue their role as growth machines – even if they may be more and more *smart* growth machines – the role of the traditional city planner is even more in conflict with low-income residents and workers. Consequently, planners are working with movements in order to better arm economic justice campaigns with technical information and expertise.

The understanding of movement planning practice comes from the ground, but an empirical discussion would seem context-less without an

explication of what a theory of movement planning practice might look like in the foreground. Planning theory has the difficult challenge of having to avoid impractical normative exhortations while also avoiding the tendency towards mere reification of practice. A study of the contexts in which planners practice can help us understand what planners *should* be doing, but only through a study of actual practice can we understand what planners *are* doing. The difficulty is in parsing out where planners are working within the necessary political constraints that their contexts requires, yet normative theory would likely miss, so that we do not conflate “bad” practice as an element of planning theory.

In this section, we will extend our discussion of both planning theory and methodology to articulate a rough outline of movement planning theory and place it in a progressive planning tradition dating principally from the school of Advocacy Planning in the 1960s through Transactive Planning in the 1990s.

I: Introduction to the Components of a Proposed Theory of Movement Planning Practice

This dissertation is based on five years of participant-observation in the economic justice movement in Oakland, California (2001-2006). The object of my research was to unpack the various components of the practice of urban planners working in social movements in the city. Some initial observations provide a foundation for the six components of movement planning practice that I identified through my field work.

First, it is important to note that my field work and research confirms that there is a role for planners inside social movements that planning theory does not currently address. I call the planners who practice within social movements *movement planners*. Within social movements, the community benefits campaign is one specific strategy for economic justice that require activists to obtain and use planning expertise to frame and advocate for their agenda. Krumholz has observed is often the only real object of city planning is planning at the project level. For that reason, city planning expertise is essential for social movements concerned with discrete urban redevelopment projects.

These community benefit campaigns, although somewhat decentralized, are increasingly coordinated to create economic justice policy agendas at policy scales superior to the project level. This coordination is evidence that the project level campaigns are a response to the project of devolution and privatization. Community benefits campaigns are not anti-growth not-in-my-backyard campaigns. The activists are arguing for

equitable development, not for no- or even slow-growth policies. Claims of NIMBYism are the unfortunately misinformed response planners often make to demands for project outcomes and meaningful community participation in project decision-making.

Below are six components of movement planning that I have encountered in my field work. I call them Adjustment, Translation, Accountability, Structural Analysis, Outcome-orientation, and Advocacy.

The movement planner engages in **Adjustment**. One of the most important principles of the movement planner is the willingness to understand and, when necessary, employ the technique of adjustment. Adjustment occurs when terms used in the political debate are co-opted and employed by opposing sides of the growth machine. For instance, developers have recently begun referring to their infill projects as “smart growth” projects. As a result, they argue that smart growth projects are progressive and provide community benefits. Therefore, these developers argue, they should not be required to provide community benefits – their projects *are* community benefits. Another example concerns the issue of subsidies. In the past, activists have successfully argued that if developers take a subsidy, they should have to give something back to the community. Developers, in turn, have begun to refuse subsidies, claiming that if they don’t take a subsidy then they *cannot* be required to provide community benefits or accountability. Activists, in turn, argue that (1) the inverse is not logically true (not a winning argument, probably because it’s too cerebral) and more importantly (2) the developers are using a definition of subsidy that is too narrow. Subsidies do not necessarily refer to only explicit cash transfers (as developers argue), but to any of a range of benefits conferred on developers by public action or inaction. So, the sale of public land to a private interest can be thought of as a subsidy as can an upzoning on a piece of private property. This is Adjustment. In the Oak to Ninth campaign, we saw the necessity to engage in the adjustment process over the issue of *subsidy*.

The movement planner is a **Translator**. The movement planner is needed to translate the language of city planning for community organizers and leaders, and to translate the goals, objectives, and visions of the community organizers and leaders into city planning language. Also, the movement planner can act as a conduit of communication between the community and public agencies (and perhaps private parties, such as developers, as well). We saw this process unfold in the Oak to Ninth campaign in the Coalition’s translation of its goals into an alternative

development plan that would make sense to both city staff and the developer.

The movement planner is **Accountable**. The movement planner is accountable to “the process,” which in this case means the decision-making process agreed upon by the governing apparatus of the movement. It is not necessarily about equalizing power dynamics. For example in the Oak to Ninth campaign, the decision-making process privileged the opinions of the resident organizing groups over all other members of the coalition. Everyone, especially the movement planners such as myself, were expected to be accountable to that process. It is this component of movement planning that complicates the use of the participant-observer methodology in conducting research, as was discussed in chapter four.

The movement planner is engaged in **Structural Analysis**. The movement planner acknowledges that a structural critique of the political economy is necessary to address the issues facing disenfranchised and oppressed communities. In the Oak to Ninth case the coalition planners had to construct a subsidy argument concerning the value transfer of land use regulation. This argument was based on an analysis that critiqued the structure of the land use regulation system. The standard way that planners looked at subsidy was simply as a cash payment from the public to a private actor. Oak to Ninth coalition leaders saw the refusal of the developer to take a direct cash subsidy as a dodge for any responsibility to the community. And activists were certain that the developer was in fact receiving something from the city of tremendous value despite its refusal to take a direct case subsidy. Consequently, coalition planners investigated the sale of the property, the responsibilities for payment of toxic clean-up, development entitlement, and land write-downs, and the value of zoning and general plan amendments that were sought to determine a different way to understand the public subsidy to the developer.

In the Central Station case, the coalition was confronted with a city-commissioned report that concluded that there was no affordable housing need by examining just the amount of shelter subsidy and programs that were being utilized in West Oakland. The coalition’s planners drafted a quick response to this report criticizing its conclusion which reified rather than addressed the causes of substandard shelter in the neighborhood and the actual housing need of its residents.

The movement planner is **Outcome-oriented**. The movement planner is engaged in securing political outcomes. An outcome orientation keeps the movement planner grounded in the political realities of the moment; movement planners must understand and be cognizant of the political

possibilities that actually exist. This principle is the flip-side of the structural analysis coin.

The movement planner is an **Advocate**. Movement planning is not a neutral endeavor. Although it may be arguable whether the traditional planner is a neutral, the movement planner is explicitly partisan. There is no “public interest;” there are myriad public interests which must be negotiated through the movement/campaign or opposed.

The planner – contrary to his or her professional training – must support and be an active advocate for the goals of the movement. Within the internal structure of a campaign or organization it may be advisable or even necessary to play devil’s advocate or articulate public interest matters that are not reflected in the goals. In fact, one important way that planners can add value to a campaign is to articulate alternative visions or explain how certain issues that are being opposed might be better to be supported. In this way, the planner acts as a translator within the organizational structure. But, in the end, it is the political structure of the campaign, not the planner, which affirms its agenda and goals. Supporting this is the planner’s responsibility to be accountable to the movement.

J: A Methodology for Researching Movement Planning Practice

As explained in chapter four, my field work was in some sense compromised because I could not strictly follow an accepted methodology because of my positionality within the movement. That may seem odd, or even outrageous, for many social science disciplines, but it should be something more normal for an applied discipline like planning. It is important for the planner to make the people he or she work with to know you are a researcher, but the planner must be committed to the work and be able to honestly and credibly re-assure people that he or she is primarily a participant, and that will come first. As movement planners continue to work in social movements, a better understanding of this practice is needed in planning theory.

The components of a movement planning theory outlined above imply a method of practice. This method of planning practice is not about reporting the personal interactions of the people the planner is working with. It is about understanding the professional and political role of the planner. In this sense, ethical concerns will not arise as much as they would otherwise seem to. But, that is true only to the extent that the researcher refrains from revealing personal information about people, and is willing to be true to implicit and explicit pledges of confidentiality.

The significant ethical problem is the potential for compromising on-going or future campaigns. This methodology will only work for the researcher committed to the goals of the campaign. The researcher must approach this method honestly, and not pretend to be a participant in order to get access. It would be unethical to do so, and would not result in the goals of the method – which is to understand the practice by actually doing it and being committed to it. Maintaining integrity and keeping confidences is part of both doing it and being committed to it.

It may be necessary to withdraw from the campaign in order to write your research, but if the planner is committed to this method it will be very difficult. Being primarily a participant, the planner's withdrawal could compromise the work. This method may be useful only, or at least primarily, to explore theory. Movement planners may find that research questions that are not directed at theorizing present dilemmas that cannot be easily reconciled. They may need to privilege their observer position over your participant position. For planning questions that are not theoretical, there may be little to be gained in a participant posture altogether.

This dissertation outlines the need for more research on the question of movement planning and the phenomena of social movements' use of planning expertise to further their economic justice agendas. This work is a departure point for further study into the practice of planners situated outside of traditional planning settings and working explicitly in politically-charged settings. The elements of a movement planning theory of practice that I outlined above are only a first cut at understanding the ways in which planners practice their craft outside traditional settings and sets up the foundations for a new research agenda for planning practice. These may not be necessarily new ways of practice, but they surely are under-theorized and under-analyzed modes and methodologies which the discipline should consider more closely.

REFERENCES

¹ As opposed to the study of practice itself.

² My good friend and colleague Diana Pei Wu suggested this term to me.

³ The retreat of federal and state responsibility from regulating the inequitable consequences of neoliberal capitalism.

⁴ For example, the privatization of public land (Oak to Ninth) and of public resources (West Oakland Central Station).

⁵ The Partnership for Working Families, “Building a New Social Movement for Working Families” (2006) at 1.

⁶ The specific components of the postindustrial political economy can be abstracted further as (1) trade, (2) politics, (3) investment, and (4) organization.

⁷ The Polanco Act was adopted in 1990 to provide redevelopment agencies with a tool to help them and developers to navigate the “liability trap” created by “brownfield sites.” According to the U.S. EPA, a “brownfield site [is] real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.” Various federal and state laws make land owners responsible for the clean-up costs of (certain) toxic contamination on their property. The uncertainty of the cost combined with the fear that a site may be contaminated often contribute to the decision of developers not to redevelop urban property. The Polanco Act gives an RDA two additional powers related to toxic contamination: (1) the power to investigate private property for contamination and (2) the power to direct or conduct remediation of contamination.

First, the Act permits the redevelopment agency to investigate private property for toxic contamination before the property is acquired. Property owners are required to provide the agency with existing environmental information, but the agency can further require owners to conduct additional investigations and provide it with the new information. Second, the Act facilitates the ability of the redevelopment agency to direct or conduct environmental remediation. It permits the agency to act as environmental regulatory agency with the power to conduct remediation and recover costs for it.

⁸ Beauregard, 2000.

⁹ Allocational policies refer to those in which a city expends resources for certain public services such as fire protection and trash pick-up.

Development policies refer to those in which the city expends resources to support economic growth, such as through land use permitting or industrial

attraction strategies. Redistributive policies refer to those in which resource transfers are made from wealthier residents to poorer ones. (Peterson 1981)¹⁰ “Political devolution” refers to the retreat of federal and state responsibility from regulating the inequitable consequences of neoliberal capitalism. One illustration of this devolution is the welfare reform law of 1996, which began the process of the federal government retreating from providing aid to poor families while having the states take the responsibility for a period of years, and then placing strict restrictions on the states from providing assistance. As a result, the consequence of the end of aid to poor families plays out where people live – in cities.

¹¹ Peterson famously argued that cities are particularly poor political scales to carry out redistribution policies. His “City Limits” critique is based upon the division and diffusion of power in a federal system where national, state, and local governments have different responsibilities and capacities to act. In this critique there are three areas in which cities can make decisions: redistribution; developmental; and allocational. Peterson argues that the city is compelled by economic necessity to compete with other cities and regions for new business and industry to increase its tax base and generate new revenues. Redistributive policies are “pernicious” and “unproductive” in the local context because they undermine a city’s competitive position. Developmental policies are also outside the domain of routine local politics, according to Peterson, because they seek uncontested public interest objectives and require the technical expertise of professional planners and business elites. Constrained by these limits, allocational policies involving governmental services and jobs are all that remain at the local level for debate, bargaining, and discretion.

¹² Throughout the paper, I tend to use the term “procedural fix” to represent a number of what might be considered different, more narrow, fixes. For these “smaller” fixes, I tend to use the term “intervention point,” because they often represent an opportunity for individuals to intervene in the process.

¹³ This “crisis” could be any number of things that threaten the functioning of the capitalist system, such as labor unrest in an industry, community opposition to development, or social and economic stress caused by poverty.

¹⁴ The term “hijacking the process” is often heard as a complaint by public agency planners frustrated with community activists using the process as leverage to forcing particular outcomes, rather than for simple input.

¹⁵ A development entitlement or approval is a governmental permission to proceed with an aspect of development which is in some part discretionary on the part of the governmental authority, such as a rezoning application.

¹⁶ In California, the types of approvals developers need in their proposals may include the following: General Plan Amendment, Redevelopment Plan Amendment, Development Agreement, Rezoning, and Planned Unit Development Permit. One thing important to remember is that these planning processes are specific to localities. Although in California there are standardized planning and permitting processes across the state, there are still important local differences between cities. In other states, planning and permitting processes may vary significantly between cities. It is essential to understand the local context.

¹⁷ CEQA requires the City to collect and respond to comments, but it does not require it to hold a public hearing on the DEIR. The City does not require the Planning Commission to hold a public hearing on the DEIR either. Planning Code 17.158.340 (D). However, it is common practice in the Oakland for the Commission to in fact hold such a hearing during the comment period. A public hearing on the FEIR is required under CEQA.

¹⁸ The Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. § 2701 et seq. (1988).

¹⁹ “When the particular type of retail business planned for a proposed project will have unique or additional adverse impacts, then disclosure of the type of business is necessary in order to accurately recognize and analyze the environmental effects that will result from the proposed project. A rendering plant has different environmental impacts than a chandler. In the retail context, Supercenters are similarly unique. Unlike the vast majority of stores, many Supercenters [***53] operate 24 hours per day seven days a week. Such extended operational hours raise questions concerning increased or additional adverse impacts relating to lights, noise, traffic and crime. While specific identification of the name of the tenant may be unnecessary, to simply state as did the Gosford EIR that “no stores have been identified” without disclosing the type of retailers envisioned for the proposed project is not only misleading and inaccurate, but it hints at mendacity.” 124 Cal. App. 4th at 1212.

²⁰ While it is often heard how much money litigation costs developers, they are almost always in a better position to afford those costs than community groups.

²¹ In California, the best option for litigation is often through the California Environmental Quality Act (“CEQA”) process, and in particular over the

adequacy of either an Environmental Impact Report (“EIR”) of a Negative Declaration of Significant Impact (“Neg. Dec.”).

²² Typically in California, construction can proceed during litigation over an EIR, but this represents another level of risk for the developer should a court hand down an adverse ruling.

²³ This is, perhaps, an overstatement. There was a community organizing leadership in the Central Station campaign. However, there was not a strong coordinated strategy between the organizers and the lawyers. Ultimately, the lawyers asserted a strong public leadership role in the campaign, perhaps undermining the leadership capacity of the organizers and the residents.

²⁴ I was a participant in both of these campaigns, although my involvement was somewhat significant in the Oak to Ninth Community Benefits Coalition and much less so in the Central Station Coalition.

²⁵ A LULU is typically a type of land use that abutting residents and community believe will be harmful to their health, endanger their safety, or lower their property values. In the case of both projects, the opposite was true in each instance.

²⁶ This is an important problem in planning theory. Many scholars conflate activism with NIMBYism, at least implicitly. Since NIMBYism is considered a bad thing, planning scholars have theories of activism that essentially define it derogatively. Activists are also characterized as no-growth; which is derogatory among growth machine allies such as academia, but in the case of community benefits activism not true at all. Although this could be viewed as deliberate misrepresentation, it is probably more correct to understand it as a disconnect between the experiences of many planning scholars and what is happening on the ground in current disputes over urban development projects. This disconnect has problematized much recent theorizing in planning, particularly the dominant school of communicative planning theory. That said, there has been a tradition in planning theory to incorporate activism, in different degrees, from the schools of advocacy planning, equity planning, radical planning, and transactive planning. Each of these schools of thought has proved fleeting in the academy.

²⁷ This does not mean, however, that the coalitions were not willing to stop either project as a way to wield some power in winning community benefits. The Oak to Ninth Community Benefits Coalition saw such a tactic as political suicide, while at least some of the leading activists in the Central Station Coalition were not only amenable to such a tactic, but seemed to think it inevitable.

²⁹ Each coalition named itself after the project to signal its strategy of targeting that specific project. This might be confusing to the reader, but it is how they referred to themselves. So, the Oak to Ninth Community Benefits Coalition organized around the Oak to Ninth Community Benefits and the Central Station Coalition organized around the Central Station.

³⁰ At this time, the EIR had not been released, but it was widely accepted that the City would not include social and economic impacts in it.

³¹ The terms “community impact report” and “social and economic impact report (or statement)” were used interchangeably during the campaign. Arguably, they could refer to different types of impact reports, but they did not as a matter of practice during this campaign. According to one of the partner research organizations of the Central Station Coalition, a Community Impact Report “provides decision-makers and the public with a comparison of community conditions before and after a large-scale development project is built. A CIR assesses social and economic impacts, that are not typically required under State laws, such as CEQA and redevelopment law.” (Central Station FEIR Written Public Comment)

³² But, one was drafted. The decision to not file a Comment Letter was a difficult one as no one could be sure that the developer was being sincere in negotiations. Perhaps once the time to file a Comment Letter had elapsed, the developer would break off negotiations. The Coalition made no commitments not to file the Comment Letter in hopes it would pressure the developer to make some commitments. The developer made verbal commitments to continue negotiations, but refused to put them in writing making the withholding of the Comment Letter a test of trust. The Letter was not, in the end, filed and the developer continued negotiations (but only after a period of hesitation). Two other factors may have contributed to the withholding of the Letter. First, the Coalition did not have the money to litigate (although a number of leaders thought if push came to shove they could find it). Second, some planning and legal advisors thought that the Coalition’s litigation rights were indeed saved because of oral testimony at a public hearing. In the end, concern over disrupting negotiations trumped legal advice.

³³ This does not mean that the Central Station Coalition had no community support. It did. But the West Oakland community was clearly divided on the Coalition’s position. And to the second factor, even the residents supporting the Coalition favored the project being developed. The question for them was one of making the project better for existing residents. I heard

of no residents in West Oakland who would support stopping the project altogether.

³⁴ This is not to suggest that geographers and sociologists do not make any contributions as practitioners. But these disciplines are primarily scholarly, whereas city planning is professional discipline.

³⁵ Karen Stromme Christensen, Cities and Complexity: Making Intergovernmental Decisions at 2 (Sage, 1999).

³⁶ Oren Yiftachel and Margot Huxley, “Debating Dominance and Relevance: Notes on the ‘Communicative Turn’ in Planning Theory,” *International Journal of Urban and Regional Research* Vol. 24(4:907)(2000).

³⁷ The creation of Specific Plans under the California Planning and Land Use Code could be seen as a reform based on the principles of advocacy planning – specifically the idea of plural plans. However, their use is dependant upon the will of the political decision-makers. This underscores the importance of political leadership in the planning process.

³⁸ “Taking communitarian language seriously allows one to move past the debate between pluralist and managerial models of policy-making and develop a more adequate approach to social regulation. As with the other two discourses [objectivism and relativism], the communitarian language on its own cannot fully capture the dynamics of social regulation. It is important to reject the notion that any single discourse can adequately capture the dynamics of social regulations at the local level. Yet, of the three discourses, the communitarian most fully addresses the issues raised by social regulation when it affects geographically bound communities. However, this language is either ignored by policymakers and analysts or, when addressed, is distorted and dismissed (as, for example, in the generally negative interpretation of the NIMBY phenomenon . . .). That is why we suggest a dialogic model that points toward a policy process that incorporates all three languages used to discuss, analyze, and debate social regulation.

“The greatest advantage of the communitarian perspective is its vision of politically relevant truth, which avoids the pitfalls of the objectivist and relativist positions. The communitarian discourse and the democratic wish embedded within it assume that in a democracy political values are to be hammered out in communities. Human beings come to be human by developing an understanding of the world based upon their participation in the ongoing communication and dialogue characterizing human communities. Unfortunately, advocates of this perspective are often quite vague about their definition of *community*. Because the communitarian

discourse is central to our arguments, it is necessary to provide a definition that we will use . . . : a community is a public entity small enough to allow, at least potentially, repeated, face-to-face interaction over issues involving both individual and collective interests. A specific political community may be defined by a residential neighborhood, a workplace, or both: we argue that the strongest democratic communities would be situated around both workplace and residence.” (Fox & Miller 1996)

³⁹ This is a position that should not be lightly dismissed. Cooptation is a concern that many communicative action theorists dismiss in what can only be understood as an impressive illustration of naïveté. Unfortunately, a full discussion of cooptation cannot be made in the limited space available for this paper.

⁴⁰ Note that this is my observation. It is not clear to me that many communicative action theorists would (or would not) agree with me.

⁴¹ Although affordable housing is often grouped with community development, it is a separate field. The field of affordable housing is specifically concerned with the provision of residential units to individuals and families who cannot pay market rents. Community development is concerned with strategies for low-income neighborhood revitalization, of which affordable housing might be a component.

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