

URBAN ACTION

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Urban Studies
Program

▼
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State University

SON OBSERVE THE TIME
AND FLY FROM EVIL (C. 12)

1997

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INTRODUCTION

FROM THE ADVISOR:

Over the past year, I have had the honor and privilege of watching this journal grow from a seed to a flower in full bloom. Its insightful articles, touching poetry and beautiful photographs are testimony to the strength and power of students working together with a common goal. As you read this journal, I urge you to see it not simply as a collection of individual talent and creativity, but also to be inspired by this example of what people can accomplish if they work together with a shared sense of purpose.

Raquel Rivera-Pinderhughes
May 1997

FROM THE EDITORS:

In producing *Urban Action 1997*, we sought to present the diverse interests of those who choose the city as their area of study. The articles, photographs and poetry contained within were produced by students from various academic disciplines at San Francisco State University. Topics addressed in this edition include environmental restoration and sustainable development, neighborhood development, welfare policy, substance abuse outreach, and education. The body of work represented in this journal mirrors the interdisciplinary nature of the Urban Studies Program, a program of urban policy and planning. *Urban Action* has been an integral part of the Urban Studies Program for seventeen years and this year's edition continues the tradition of presenting student work that examines the complexities of urban life.

The editors would like to thank Raquel Rivera-Pinderhughes, our faculty advisor, for her support, encouragement, enthusiasm and insight. We would like to thank the Urban Studies faculty members for encouraging their students to submit articles to the journal for publication. We would also like to express our gratitude to Atina Salih, for her patience and support. We extend a big thank you to Michael Martin and Chris Rath, layout persons extraordinaire, for maintaining their cool as the publication deadline approached, and to Marina Melson for her copy-editing expertise. Thank you also to students from the Journalism Department at SFSU who provided outstanding photographs on such short notice. Also, thanks to Stan Radtke for providing the photograph for the cover of the journal and to David Perper for his help with editing. And finally, thank you to all the SFSU students who helped to make the journal by submitting their work to *Urban Action 1997*.

We hope you enjoy this year's edition of *Urban Action*. It was our pleasure to read, select and edit the articles contained within.

The Editors
Urban Action 1997

ON THE PHOTOGRAPHS

FROM THE PHOTO EDITOR:

Using a camera to document the social situations of San Francisco's street people has long been a passion of mine. The opportunity to shed light on the realities of their existence, both happy and sad, has given me the chance to take as well as give, and to learn as well as teach.

During my time behind the lens, I have developed a close bond with many of my subjects. Their suffering adds to my pain. Their successes add to my joys. I hope that the images presented within this publication add to your understanding of our urban environment, while offering some enjoyment for your viewing pleasure.

Chris Rath
May 1997

COVER PHOTOGRAPH:

Old Saint Mary's Church is a Roman Catholic Church on California Street in San Francisco that was dedicated during Christmas Midnight Mass in 1854. This historic landmark, consisting of the parish complex, church, bookstore, conference center and auditorium is in danger of closure and demolition unless seismic upgrades required by the city can be accomplished.

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photo by Ron Lewis

Mitigating the Effects

David Perper

The Personal Responsibility and Work Opportunity Act, signed by the President in August of 1996, places food stamps on the list of benefits subject to time limits and work requirements. Able-bodied adults, 18 to 50 years old, without dependent children, risk losing their food stamp benefits if they do not meet the new work requirements. In San Francisco County, this population constitutes 16% of the food stamp caseload. The increased pressure to move welfare recipients into the labor force, will increase the demand for an already lacking supply of low skilled jobs. This policy paper examines the new work requirements of the Food Stamp Program in relationship to the availability of low skill jobs in San Francisco.

INTRODUCTION

Welfare reform is here. Its reverberations are being felt throughout the nation, as state and local governments proceed with developing and implementing programs under the less restrictive federal block grants law. Millions of individuals will also feel the effects of this policy that focuses on transitioning persons into the labor force.

Not only will programs such as AFDC have time-limited benefits, but under the new law, the food stamp program will also be implementing stricter work requirements for individuals. The combined effect of having millions of AFDC recipients and food stamp beneficiaries entering the job market will tighten competition among job applicants in entry-level job sectors. The challenge for the thousands of San Francisco welfare recipients affected under welfare reform,¹ will be in finding jobs in a labor market in which the majority of jobs require high levels of education and skills.

One of the major assumptions of the new welfare policy is that there are sufficient jobs in our nation's labor market to absorb the millions of new job seekers resulting from work requirements contained in the new law. The other assumption, made by the framers of this legislation, is that certain safety net features, such as waivers to the

work requirement, would prevent those that play by the rules but cannot find jobs from going hungry. This analysis discusses mechanisms and alternatives to mitigate the effects of the food stamp work requirement for unemployed adults.

CHANGES IN THE FOOD STAMP PROGRAM – AN OVERVIEW

The Personal Responsibility and Work Opportunity Act of 1996 PL 104-193, recently signed by President Clinton, contains funding cuts to the Food Stamp Program that will severely impact the lives of many of the country's poor.

Nationwide, \$27.7 billion of federal funding will be cut over six years. Forty-five percent of these cuts are across-the-board benefit reductions over time. The disqualification of legal immigrants will produce 10% of cuts, households with high shelter costs will account for another 14%, and cuts to unemployed workers will total 19%.

California's share of the burden: Under the new law, California's federal food stamp funds (\$2.5 billion in FY 1995) will be cut by \$4 billion from FY 1997-2002.² In March 1996, 3.2 million persons were receiving food stamps in California (2.3 million of which were receiving public assistance), with an

average benefit of \$184 per household (\$69 per person) per month.³

Funding cuts will hit Californians very hard. California food stamp households will face an average benefit cut of \$537 during FY 1998. By the year 2002, the purchasing power of food stamp recipients will decrease by \$603 — nearly \$12 a week. For the poorest of the poor, those food stamp households with incomes below half the poverty line, these escalating cuts will be even more dramatic — \$790 less per year to spend on food by the year 2002.⁴ These cuts will not only limit and restrict the food purchasing power in poor households, but greatly increase the chances of hunger and poor nutrition.

One group of food stamp recipients that face elimination of benefits are the so-called ABAWDs — Able-Bodied Adults ages 18-50 Without Dependent children, due to new work requirements.

- Food stamp benefits received by unemployed workers without minor children will be limited to three months in a three-year period unless they are either working 20 hrs. a week or participating in a job program 20 hrs. per week.

- Exemptions:

1. Those who are determined by a physician to be either physically or mentally unfit for work.

2. Those who are pregnant.

3. Those currently exempt from food stamp work requirements (includes persons in authorized drug treatment programs).

These work requirements can be waived. The U.S. Department of Agriculture can, on receiving a Department of Social Services request, waive the work restriction for any group of individuals if USDA determines that the area in which these individuals live:

1. has an unemployment rate exceeding 10% or

2. does not have enough jobs to provide employment for the individuals.

Benefits can be regained. Disqualified individuals can regain their food stamp benefits if they work a minimum of 80 hours in a 30-day period, or if they participate in workfare, federal/state vocational training, food stamp Employment and Training, or Food Stamp workfare.⁵

Implications for the City and County of San Francisco:

The San Francisco County Department of Social Services estimates that there are 31,000 food stamp caseloads in San Francisco. Five thousand (16%) of the total caseload are ABAWDs.⁶ This means that most of these 5,000 unemployed adults will lose their benefits unless they can find work.

- These individuals have been unable to find jobs to date. They will not only be competing against each other for jobs, but will face competition from the thousands of other job seekers who will be entering the market due to factors such as immigration, age, and the combined effects of work provisions contained in PL 104-193 (welfare reform).

The overarching policy question is: *How can we mitigate the effects of the work requirements for jobless adults based on a policy assumption that 1) jobs are available, and 2) that there is a safety net of waivers to keep these individuals from suffering from hunger, if they cannot find jobs?*

The first step in determining whether San Francisco has a valid claim to a waiver is to look at the kinds of occupations in which these jobless adults are qualified before asking the question: *Are there enough jobs available for this group?*

Low-skilled workers with education levels of high school or less constitute the majority of welfare and food stamp beneficiaries. These persons are poorly prepared to compete in today's job market. They are marginally qualified for the lowest paying jobs, and are deficient in many job skills,

"The challenge for the thousands of San Francisco welfare recipients affected under welfare reform will be in finding jobs in a labor market in which the majority of jobs require high levels of education."

making them the least desirable applicants in the eyes of employers.

RESEARCH ON JOB AVAILABILITY FOR LOW-SKILLED INDIVIDUALS

Harry Holzer, a widely-respected labor economist at Michigan State University, has conducted research that is highly relevant to the subject of low-skilled job qualifications and job availability to welfare recipients. Holzer's study breaks new ground; it is based on a survey of more than 3,000 employers in four major metropolitan areas.⁷ It represents the most extensive study available on these issues.⁸

According to Holzer, long periods of unemployment continue "for those workers near the back of the hiring queue, such as minorities and the less-educated." Furthermore, most of the jobs for less-educated workers require a combination of skills, including customer interaction, reading and writing, arithmetic calculations, and the use of computers. Most importantly, he finds that "only 5% of non-college jobs in cities do not require any of these tasks and also do not require a high school diploma, specific job experience or previous training or references."⁹

Holzer notes the implications of his findings in relationship to welfare changes that impose time limits and push recipients, such as ABAWDs, and AFDC beneficiaries into the low-wage labor force. He concludes that several million persons will be added to the low-skills labor force, thereby increasing competition for a limited number of jobs.

"Most of these women entering the labor force will therefore be competing for the very small fraction of available jobs in the central cities that have few serious requirements in terms of skills and credentials, and where there is currently no evidence of any shortage of workers. Nonemployment spells among young black males and females... are already very lengthy, even among those who are not in school and who participate in the labor force; unemployment

rates for less-educated men and women more generally are quite high ..."

"Overall, only 5-10 percent of the jobs in the central-city areas for non-college graduates require very few cognitive skills or work credentials. In these same areas, it appears that a much larger percentage of residents lack at least one or more of the credentials required by employers. Prospective additions to this labor force under welfare reform are likely to be substantial."

"Thus, it seems highly probable that the imbalance between job availability and the number of people with low skills and credentials that already exists in many central-city areas will worsen over the next few years."¹⁰

Other studies have concluded that there are as many as 14 applicants for every one person hired in low-wage, low-skill jobs, and of those who applied but were not hired, 73% were out of work up to a year later.¹¹

SAN FRANCISCO'S LOW-SKILLED WORKERS

Table 1 (next page) shows the occupations of San Francisco residents with the lowest education level, the percentage of workers with education levels of high school or less, followed by median income levels.¹²

These research findings suggest the importance of the waiver provisions outlined earlier, which allow the three-month limit to be waived in areas of high unemployment, or for individuals in areas with an insufficient number of jobs. An examination of the criteria for the area unemployment rate waiver follows.

AREA UNEMPLOYMENT RATES EXCEEDING 10 PERCENT

PL 104-193 allows a waiver when an area unemployment rate exceeds 10%.

The Bureau of Labor Statistics has compiled a list of so-called "labor surplus areas" (LSAs). These statistics are typically used by

Table 1

Occupation	Median Education Level	High School or Less	Median Wage in 199012
Textile Workers	10th Grade	85%	\$9,000
Cleaning	High School	72%	\$15,000
Food Preparation	High School	60%	\$11,042
Construction	High School	54%	\$15,000
Machine Operators	High School	52%	\$13,800
Mixed Skills	High School	51%	\$16,000
Drivers/Loaders	High School	51%	\$14,900
Sales to Public	High School	40%	\$10,000

Table 2

Occupation	Median Education Level	High School or Less	Projected Employment Growth (number of job slots) 1995-200019
Textile Workers	10th Grade	85%	462
Cleaning/Custodial	High School	72%	1,280
Food Preparation	High School	60%	1,116
Construction	High School	54%	1,120
Machine Operators	High School	52%	378
Mixed Skills Production	High School	51%	186
Drivers/Loaders	High School	51%	868
Sales to Public	Some College	40%	566
Total			5,410

the federal government in determining areas of low employment in which to award contracts.¹³ This information provides substate area unemployment rates for counties and cities with over 25,000 persons.¹⁴ In the case of the new legislation, this data can be used to determine whether unemployment in these areas reaches the 10 percent threshold for receiving a waiver.

The LSA criteria will benefit some areas and/or counties.¹⁵ There are many California counties and municipalities included on the list of LSAs, however for cities with large populations, such as Los Angeles and San Francisco, there is a major problem in the use of this mechanism — it bases the qualifying criteria on the entire labor market and unemployment rates to determine whether a job shortage exists. It is entirely possible that shortages in specific segments of the employment sector could exist, while overall area unemployment rates may be below the LSA criteria threshold. As a result, many urban areas will not qualify as LSAs. *San Francisco is excluded from the Labor Surplus*

Area list, even though there could be employment shortfalls in specific occupational segments.

WAIVERS FOR LACK OF SUFFICIENT JOBS

Waivers for lack of sufficient jobs is a grey area that has yet to be defined by the USDA.¹⁶ The methodology for measuring insufficient job slots is therefore much less restrictive. As noted above, one of the problems with LSAs is the lack of consideration given to segments of the labor market. In seeking the insufficient jobs waiver, specific occupations should be considered based on educational and skill levels required by employers.

As the research cited above shows, "job applicants with low skills and limited education face a more hostile labor market than do workers with more skills."¹⁷ Unemployment levels in these low-skill occupation sectors may be double the overall area rate. For example, San Francisco's unemployment rate of about 5% may be

10% or more in the low-skill occupation sectors. Therefore it is vitally important to determine whether the low-skill occupation sector in San Francisco can absorb the estimated 5,000 ABAWDs, in addition to the additional thousands of AFDC recipients soon to impact the same sector.

THE LOW-SKILL OCCUPATION SECTOR (LSOS): STATUS AND PROJECTIONS FOR SAN FRANCISCO

Table 2 reflects projected employment growth in the LSOS for high school or less education levels by occupational category from 1995-2000.¹⁸

These projections illustrate the relatively small growth in new jobs in the LSOS. Considering that we are now more than two years into the projected range (1995-2000), we should expect that these projections will be reduced by half. Thus the outlook for low skilled workers in San Francisco appears grim — even with attrition, there will be a large shortage of jobs in the Low-Skill Occupation Sector.

Given the above research, data, and projected employment growth in the LSOS, the following policy options for mitigating the effects of the new work requirements for Able-Bodied Adults Without Dependents are proposed:

POLICY OPTIONS

1) Increase job training programs for low-skilled individuals who have neither experience nor skills.

- *Positive:* Increasing job training programs will allow low-skilled persons to learn basic tasks such as communication, arithmetic, reading and writing, and computer skills, thereby helping them compete for job slots in the Low-Skill Occupation Sector. Existing programs such as the Food Stamp Employment and Training (E&T) Program can be expanded, providing increased access to job training slots to meet the increased need for recipients threat-

ened by cutoffs. This approach would be cost effective due to 100% federal funding available, augmented by 50% state funds match.¹⁹

- *Negative:* First, increasing the pool of better-qualified job seekers does not mean that they will be able to find jobs. Without a large net increase of LSOS jobs, individuals will be trained for work they cannot find. There are already too few jobs for too many qualified applicants. Second, the clock is ticking — a three-month window began with recipient notification of work requirements on November 22, 1996. Unless federal funds are requested immediately, people will lose their benefits and face the increased likelihood of poor nutrition and hunger.

2) Increase the number of workfare slots in San Francisco.

- *Positive:* Increasing work-fare slots will allow more ABAWDs to keep their benefits, providing they participate 20 hours per week. Workfare programs can be state or locally operated and still qualify. This flexibility may help local decisionmakers expand existing programs or create new ones.

- *Negative:* Funding sources and providers will have to be found in order to expand existing programs or create new ones. Workfare program expansion will not necessarily prepare low-skilled participants with increased job skills. Programs such as workfare often are not training programs per se, but merely 'make work'. Temporary work-fare jobs, such as litter removal, may not foster an appreciation of, or value for, the work ethic. If the intent of welfare reform is to transition the unemployed to the ranks of the employed, then it becomes more important to engage individuals in programs that give them a sense of hope and accomplishment, not frustration, futility and anger.

3) Pursue federal waivers that will exempt San Francisco because of insufficient jobs to provide employment for unemployed adult food stamp recipients.

- *Positive:* The granting of a waiver

for insufficient jobs by USDA, in response from DSS request, will allow 5,000 San Francisco ABAWDs to retain their food stamp benefits. Because the criteria and methodological formula for determining the insufficiency of low-skill jobs has not been defined by USDA, an operationalizing gap exists that can be used to the advantage of county welfare directors, advocates, and key decisionmakers, who have an opportunity to develop a model for this waiver. The segmentation of San Francisco's labor market provides the basis for this argument.

- *Negative:* This option faces a great deal of political opposition. The federal and state political forces that have come together in the name of welfare reform, culminating in the passage of PL104-193, are formidable. San Francisco is not a typical mainstream California county — making an example of San Francisco (by denying a waiver) would be politically expedient. Too many hurdles will need to be overcome at too many levels of government. Granting a waiver for insufficient jobs would threaten two major assumptions of PL 104-193 — that people can be pushed into the work-force if threatened with the loss of benefits, and that sufficient jobs exist.

RECOMMENDATION

Pursuing the waiver for insufficient jobs offers the most realistic approach for San Francisco, and is the most effective solution for mitigating the effects of the new food stamp work requirements for Able-Bodied Adults Without Dependents.

- Using data sources such as Census, County Business Patterns, EDD and ABAG projections, and recent research studies, a strong case can be made that there are not enough jobs for low-skilled ABAWDs in San Francisco's labor market. Criteria for this waiver have not been defined by USDA, and may therefore present an opportunity for decisionmakers, advocates, and county welfare directors to segment

the labor market, and develop the methodology for determining the ratio of jobs to jobseekers within the Low-Skill Occupation Sector. Educational attainment combined with skill level are determinants that should be utilized in assessing whether sufficient jobs exist.

- Key decision-makers must develop strong collaborative alliances with researchers, advocates and elected officials at the federal, state and local level, to develop a sound and timely strategic plan. Barring delays, litigation, or extensions, food stamp recipients could lose benefits as early as Feb. 1997.

CONCLUSION

The passage of PL104-193 presents myriad difficulties for government and individuals. The City and County of San Francisco is not unique in terms of its problems with poverty and joblessness. Local governments in California have seen their county revenues dwindle and their responsibilities increase in the last several years as the income gap between those at the top and those at the bottom widens. Thinly-stretched municipal and county resources will be further tested, as thousands of welfare recipients are forced into a hostile job market where there are as many as fourteen applicants for every job awarded.

The assumption that people can be prodded into work, when faced with a loss of welfare and food stamp benefits, is flawed. If enough low-skilled jobs exist and/or can be created, individuals with low skills and high school or less education attainment levels *might* earn enough to feed, clothe, and provide shelter for their households. If, however, there are not enough jobs, then the safety net mechanisms which have been included in this new law need to be utilized.

Provisions such as the waiver for high areas of unemployment, and the waiver for insufficient jobs, must be more clearly defined. In order to maximize the chances for waiver qualification, benchmarks must

be adopted for the purpose of establishing the the availability of LSOS jobs, and in arguing the importance of measuring and assessing the segment of the labor market in which the overwhelming majority of those who will be impacted by this law would be absorbed.

Unless action is taken immediately to secure work requirement waivers for 18-50-year-old adults without minor children, many more individuals will find themselves out of work, out on the street — and out of food. *The clock is ticking.*

Notes

¹ As of Feb. 1996 there were 33,232 AFDC cases in San Francisco City and County. Source: California Department of Social Services.

² Center on Budget Priorities, "Depth of the Food Stamp Cuts in the Final Welfare Bill." Aug. 12, 1996.

³ Source: California Food Policy Advocates (CFPA).

⁴ Ibid.

⁵ Center on Budget Priorities, "Waivers Related to the New Food Stamp Provision Regarding Jobless Workers." Aug. 16, 1996.

⁶ Personal communication, Ed Boland, California Food Policy Advocates.

⁷ Holzer, Harry. *What Employers Want: Job Prospects for Less-Educated Workers*, Russel Sage Foundation, New York, 1996.

⁸ Center on Budget Priorities, "Waivers Related to the New Food Stamp Provision Regarding Jobless Workers." Aug. 16, 1996.

⁹ Ibid.

¹⁰ Holzer, pp. 67-68, 70.

¹¹ Newman, Katherine and Chauncy Lennon. "Finding Work in the Inner City: How Hard is it Now? How Hard will it be for AFDC Recipients?" Russell Sage Foundation, Working Paper #76, Oct., 1995.

¹² Source: 1990 PUMS (5% Public Use Microdata Sample) Census Data.

¹³ It should be noted that commuters have higher median incomes in these and other occupational categories than San Francisco residents.

¹⁴ Areas with unemployment 20% higher than all the states is the criterion typically used in determining the award of federal contracts. Source: Department of Labor.

¹⁵ U.S. Department of Labor, Employment and Training Administration, *Area Trends in Employment and Unemployment*, August 1996.

¹⁶ Ibid.

¹⁷ Guidelines were expected in September 1996, but have not materialized.

¹⁸ Center on Budget Priorities, "Waivers Related to the New Food Stamp Provision Regarding Jobless Workers." Aug. 16, 1996.

¹⁹ Potepan, Michael and Elisa Barbour. "San Francisco's Employment Roller Coaster: A Report on The City's Employment Economy from 1980 to 2000." S.F. State University, Nov. 1995.

²⁰ Ibid. Sources: ABAG Projections, 1990 Census.

²¹ CFPA.

David Perper received his B.A. in Political Science and Urban Studies, summa cum laude, in January, 1997. He continues to work as a professional musician, and is currently seeking employment in public policy research, analysis and advocacy.

The Edge of Things

Ahimsa Timoteo Bodhrán

Essay

The Edge of Things

for Siobhan Brooks & Joanna Kadi

*I come from the edge of things
stand in doorways
know not
which room
to enter.*

I am the poor child; I had neither books nor food nor clothes. *I am the rich child, knowing full well my beauty, my place, feeling always at home. I ate only the best of meals. I dove under tables for crumbs that fell off others' plates. I lick the bowl when no one else is looking, so hungry, so hungry am I. I turn away food, spoiled, finicky, particular, knowing more will be coming, simply knowing.* I dangle my feet from the lip of a cup, paper n plastic, quartz n crystal, wine n whisky.

Sit under trees, by cool blue streams, imagine skyscrapers n tenement buildings, sirens n cop cars, spray from a fire hydrant, children in the street playing, stepping, doing double dutch. Sit on concrete, in sunlight n shadows, search thru the wreckage for blades of grass, find them between cracks, by cigarette butts n beer cans, place them between two hands, cup them, n whistle.

Listen.

And then I ask Lafayette what he wanted to be. "If I grow up, I'd like to be a bus driver," he told me. *If, not when.* At the age of ten, Lafayette wasn't sure he'd make it to adulthood.

—Alex Kotlowitz

I always knew I would live. It was the quality of my life that was in doubt. My parents, however, did not have this privilege, this ability to foresee the future and foretell it well. No, my parents never had the luxury of certainty. I did. I grew up not knowing poverty. I

wasn't allowed to. Yes, we ate government food and food from the army, brown cabinets full of white boxes with black lettering, next to green boxes, green cans, green everything. Everything, after all, coming from the army being green, the color best for camouflage, for the field, and for the trenches. But this is not what we got at the local pantry. This is not what we bought with food stamps. This is what my father was able to steal from his job and from the military. The other stuff, like standing in lines, asking for handouts, and begging for change, is what poor people did, and whatever we were, my parents made it very clear to me, we weren't poor. Poor was a past tense adjective not to be used in the present.

And I have the bruises on my shins to prove it.

The Long Ride Home: a catholic confessional

Whenever my mother and I went anyplace, I was instructed very clearly, carefully, and often, that if I was hungry, I was not to mention it to anyone, that I was to keep it to myself, keep it inside, that I was to let the hunger sit in my stomach, stone-like, until we were home. Then, and only then, would I be fed. Never was I to mention my hunger in public. Never. I remember sitting in church, my stomach growling, churning, in pain. Good Catholics did not eat before going to church on Sundays. Good Catholics waited until Mass was over. Good Catholics were grateful for what they were given. Good Catholics were thankful for the Eucharist. *Christ died for us.* Good Catholics liked to suffer, especially in silence. Good Catholics knew how to be quiet.

I, however, was not a good Catholic. Sinner-son, I said what I thought, what I felt, and knelt beneath the repercussions. Whenever I began to cry in church from the hunger lodged in my body, it stuck in my throat. My mother would lean over, whisper into my ear, teeth clenched, "If you don't stop crying, I'll give you something to cry about. Don't embarrass me in public. Don't make a scene, Timothy. Or it'll be a long ride home." I would always, immediately, stop crying. I did not want the belt, or worse yet, the belt buckle. I did not want to make a scene. I was a good Catholic boy, sinner or no.

Similarly, there were those times when my mother visited her friends, the other Irish women in the neighborhood. When they gathered together for gossip and tea. For reprieve from their lives, the daily grind, their husbands and children, for once, *not* on their minds. I, more girl than boy, accompanied her, this woman, my mother. Sitting in silence, listening, I would watch these women with wonder. They held such power. Occasionally, one of them, the host at whose house we were, would stop what she was doing and speak to me, ask me if I wanted anything to eat. She, whoever she was, always received the same patterned reply, "No thank you, ma'am, just tea is fine." On those days when I forgot my lines, the cued response was a quick kick to the shins from my mother, silent and sudden. And a sideways stare, as she sipped her tea, telling me with those eyes, over and over again, "We are not hungry. Poor people are hungry. And we are not poor."

Skin scabs over, heals slowly.

We did not deal with WIC (Women, Infants, and Children), no. Rather, my mother worked there. This was in her later years, when I was already in high school, years after the factories had come and gone, the Greek diners and Italian restaurants, too, the places in which she waitressed, in which I was raised. From school, I went there, wherever there was,

whichever of the two or three, and sometimes four, places she worked. There, wherever there was, was where I studied, where I ate and slept, where I spent afternoons into evenings, and sometimes nights, too. Us not being able to afford a babysitter; both my brothers working, my father, too. But I was not a latch-key kid, no. Latch-key kids were poor kids, and whatever we were, my family made it clear to me, we were not poor. We did not attend social services. We did not leave our children at home all alone. We did not receive food stamps. Or stand in lines. We were struggling, not poor. Struggling. Poverty was a silent sin, a secret shame. A private pain.

Underneath the Arc of a Fire Hydrant: memories of a childhood i never had

As a girl growing up, my mother ate the rotting food off of foodtrucks in her neighborhood in the South Bronx. Her mother, my grandmother, a single mother, a widower, did not know this. She would have been beaten if she did. They were poor then. Not proud, not struggling, but poor. My grandmother went without shoes, literally, so that her children could eat. Stitching and sewing, stuffed cardboard into the soles, she managed. The holes in the soles of her shoes, a secret saved. Hers, and the pavement's. *No one else was to know.*

I tell my grandsons about their great-great-grandparents. My memory will shift to theirs, and they will keep the stories alive and moving.

—Beth Brant

I, unlike my grandmother, my father and mother, both my brothers, did not grow up in the city. Bronx-born but not raised, I was spared this. Child of an ex-gang girl and ex-gang guy, I did not play in the streets, hit balls with broomsticks, run bases, dance underneath the arc of a fire hydrant. I had a backyard. Green and blue were my colors, not a gang's. Soft green hills and cool blue streams. I had medical and dental care, a body destined to walk in the world, like our lawns, tended and cared for. I was the chosen one, the one picked with pride, prepared to leave.

I was to assimilate. I didn't. I tried to pass and failed the class. Rough edges did not soften or smooth. Memories, memories (not) my own, memories of a childhood I never had, echoed, distant, persistent. *Calling.*

Such word conspire to make a past. Such words make assimilation impossible.

—Michelle Cliff

Assimilation is a lie. It is spiritual erasure.

—Lani Ka'ahumanu

*I come from the edge of things
stand in doorways
know not
which room
to enter.*

I am the poor child; I had neither books nor food nor clothes. *I am the rich child, knowing full well my beauty, my place, feeling always at home. I ate only the best of meals.* I dove under tables for crumbs that fell off others' plates. I lick the bowl when no one else is looking, so hungry, so hungry am I. *I turn away food, spoiled, finicky, particular, knowing more will be coming, simply knowing.* I dangle my feet from the lip of a cup, paper n plastic, quartz n crystal, wine n whisky.

Sit under trees, by cool blue streams, imagine skyscrapers n tenement buildings, sirens n cop cars, spray from a fire hydrant, children in the street playing, stepping, doing double dutch. Sit on concrete, in sunlight n shadows, search thru the wreckage for blades of grass, find them between cracks, by cigarette butts n beer cans, place them between two hands, cup them, 'n whistle.

Listen.

Systems of Epistemology: classroom colors calling

sometimes sitting in the airport/ when the normal white women/ in pretty summer dresses/ laughing eyes/ bows in their hair/ float by/ burbling inane remarks/ playful comments/ like a vast bouquet of flowers/ lilies of the field so happy/ I hate them fiercely/ just for that
—Chrystos

A white woman from class calls me on the phone, calls me at home, wakes me from dreaming. I regret having put my name on the roster. She is upper-class, guilt-ridden, wants to help the poor. She has insulted me before with her presence, with words she thinks are compliments. It has been a long day; I do not need this call. She tries to bond with me around our Jewishness, across the chasms of race and class, language and sexuality. I blanche, but am silent in my response. I get off the phone quickly, having already spent too much time talking to her in a voice not my own. The one I sometimes use in class or on the phone to sound educated and proper. The one I use to get what I want. When being myself isn't getting me anywhere. When being polite and white and pleasant is all that matters. Perhaps this is internalized, anti-Semitic, Jew-hating, I do not know, all I know is that, in that moment, I hate her. For calling me, for being Jewish and Ashkenazi, for being well-off, for being the image that everyone thinks of when they think of Jews: white, wealthy, well-meaning. A JAP. No one can hurt you like your own.

I enter the doors of the Green Beach Hotel. I drink in the images of the dark-skinned women around me. "These are Jewish women," I say to myself. "I have not been lying. We are not all white. We are not all from Europe."

...Growing up with all images of Jews as white (moreover, blonde wherever possible), and growing up with hardly any Mizrahi and no Ethiopian Jews around me to visually challenge these images, I have a gnawing feeling that I am lying, whenever I talk about Jews of color. *I am not lying.*

—Loolwa Khazzoom

Sitting in the classroom, listening to the collective silence, I feel unreal, as if I have imagined it all, taken some drugs and had fantastical visions of a faraway and fictional family, a fairytale, and positioned myself there within. That I made it all up. That I am a liar, a fraud, a thief. *But I know I am not.*

there are ways of knowing/ that do not seep into the ground
—Sandra María Calvo

Sitting in the classroom, in small groups, I wonder if I am the only one. I cannot be. Others raise their voices: a Black woman with child; another lite-skinned sister, I do not know her race, but I do know that she had been on welfare for years; a mixed Italian/Vietnamese

immigrant woman; a Salvadereño Mission boy, brother and friend; others, too. When I raise the question of why we are approaching the text from such a detached and academic point of view, when surely others of us have grown up in poverty or have (had) family members there, eyes glaze over, faces blank. Silence. I stop sharing. My rootknowledge is not wanted here. The classroom is not safe for discussion. Code-switch, shape-shift, blend-in. Act as if nothing is wrong. The level of denial and self-erasure is deep but not dark. *Darkness, welcoming and warm, wanting to embrace, is the very thing not desired here.*

This poem is to say: / my choosing to suffer gives nothing/ to Tita and Norma and Angélica/ and that not to use the tongue, the self-confidence, the training/ my privilege brought me/ is to die again for people who are already dead/ and who wanted to live. / ... Understand, I know exactly what I got: protection and choice/ and I am through apologizing./ I am going to strip apology from my voice/ my posture/ my apartment/ my clothing/ my dreams/ because the voice that says the only true puertorican/ is a dead or dying puertorican/ is the enemy's voice—/ the voice that says/ "How can you let yourself shine when Tita, when millions/ are daily suffocating in those greased sheets..." / I refuse to join them there./ I will not suffocate./ I will not hold back./ Yes, I had books and food and shelter and medicine/ and I intend to survive.

—Aurora Levins Morales

I carry my dead with me, store them beneath the skin. They rise up at the most inopportune of times, like boils and blisters, blood rising to the surface, breaking open and breathing new air.

*I come from the edge of things
stand in doorways
know not
which room
to enter.*

Too many graves have been pissed on in this quest for racial and economic purity. I wash the stones with disinfectant, put them in my mouth, swish them around, let them tumble back to the ground. The earth shakes. I stand firm. Solid. My self-sacrifice is not required. My silence not listed in any syllabus. Stones smooth over. Silences shatter.

Sinners speak.

Ahimsa Timoteo Bodhrán was born in 1974 on El Día de la Madre in the South Bronx. He currently lives in Oakland, Califas, where he is working on his first book, Yerbabuena/Mala yerba, All My Roots Need Rain: mixed blood poetry & prose. A community organizer and cultural worker, he is also an undergraduate at SFSU majoring in Women's Studies.



photo by Anda Chu

Profile Of An Urban Sustainable Development Project: Crissy Field Wetland Restoration

Stanley Radtke

The San Francisco Bay estuary has lost 95% of its historic wetlands due to in-filling and the constant pressure of urbanization. These lost wetlands are among the most productive habitats in the world. The movement towards sustainable development necessitates a process of restoration of previously degraded landscapes. In an era of exponentially increasing pressure upon a finite world and with dwindling public budgets, it is rare to find a project that returns an urban area back to natural habitat. This article examines this unique plan, The Crissy Field Wetland Restoration, which will attempt to reintroduce a wild and natural land into an urban setting.

Crissy Field is the area where the Presidio meets the San Francisco Bay. The National Parks planners envision this former airfield as being the front porch of this grand urban park. The most visible and the signature improvement to this former military base is the wetland restoration right in the middle of Crissy Field. After some two hundred years of military use, this area has been significantly degraded by the various technological imprints of different uses. "At the time of the first European settlement at the Presidio, the area now known as Crissy Field consisted of a sand spit, with beach sand and sand dunes enclosing a backdune tidal marsh, mudflats, and slough, and a backdune freshwater lagoon and marsh. The backdune marsh was the only one known to exist within San Francisco Bay. The first significant alterations to this wetlands area occurred with the building of roads across the estuary starting in about 1870. The roads were built to reach wharves constructed on the beach, and the road embankments severely constricted tidal flow. Between 1912 and 1915, the marsh was completely filled with 360,000 cubic yards of sand dredged from the bay to create grounds for the 1915 Panama-Pacific International Exposition" (National Parks Service. E.A. for Crissy Field 3-13). The current proposed project for this altered landscape is to recre-

ate a portion of the historical wetlands. The scale and scope of the project are modest, only encompassing a 20-acre tidal marsh versus the historical wetlands at Crissy Field that measured approximately 130 acres. There are many conflicting demands made on this dramatic shoreline, and the 20-acre wetland restoration plan is a compromise between what should be done and what can be done, given current attitudes and circumstances.

This ecological restoration plan is a consummate example of an urban sustainable development project. It fulfills the requirements of sustainability by meeting the needs of the current generation without compromising future generations. The plan calls for the tidal marsh to flush naturally due to the daily rise and fall of the tides in the bay and the influx of fresh water from the Presidio's Tennessee Hollow. This hollow is the natural drainage area surrounding Crissy Field. The marsh will also enable the National Park Service to redirect storm water into the marsh thus eliminating the necessity to overhaul the current storm water facilities. In an interview with Michael Boland, Director of Park Projects, he described the need to upgrade the existing storm water facilities due to their being in noncompliance with current EPA regulations. The tidal marsh itself becomes the storm water facility. The

wetland restoration becomes a win-win situation for the park landlords and the environment. Furthermore, the site's proximity to a large urban population will give this project the unparalleled ability to be an educational and environmental experience for people who may not normally have the ability to see a natural system working. This wetland will be the only one accessible by a Muni bus enabling anyone within San Francisco access.

The design of the tidal marsh project involved a long process of public involvement and meetings with neighborhood groups, representatives of various public agencies, and special interest groups. All of the diverse ideas and concerns were incorporated within the planning and design of the final project. The entire Crissy Field Plan covers 100 acres. Within this larger plan, the 20 acres tidal marsh will be centrally located. "The marsh will be created by excavation of soil; from the site, which will be used for air-field restoration and to create other topographical features" (National Parks Service. E.A. for Crissy Field 2-23). There will be no soil removal from the site. If the soil is found to be contaminated, the remediation will be on site. The design involves the use of only what materials are available on the site. "The restoration approach is to provide a template that will encourage the evolution of the marsh ecosystem. The marsh will be created in an immature state and will evolve to maturity with minimal intervention" (United States. E.A. for Crissy Field 2-23). The perimeter of the marsh will have a buffer zone of native vegetation that will conceal within it barrier fencing to deter dogs, cats, and visitors from getting into the marsh and disturbing wildlife. Within the marsh, there are plans for three islands that will provide refuge for birds. A bridge will be constructed across the channel to maintain a continuous pathway for the Promenade. The Prom-

"This ecological restoration plan is a consummate example of an urban sustainable development project."

enade will connect with the existing Marina green pathway.

The concept and design of wetland restoration is not new, nor unique to the Presidio. On October 25, 1996, a levee was breached in a former hay field in the Sonoma Bayland of the North Bay to recreate a wetland. This site received bay dredging spoils from the Oakland harbor in order to build up the elevation to its former height. Environmentalists, ports, the shipping industry, labor unions, state and federal agencies and others worked together to restore the wetlands on this site. Nationally, there is an organization dedicated to preserving and restoring estuary habitats. This nonprofit organization is the Restore America's Estuaries.

What makes the Crissy Field project important is that over 95% of San Francisco Bay's wetlands have already been destroyed. The wetland's proximity to such a large urban population gives the educational and interpretive nature of this site a vital mission. This mission is to help enlighten the general population about the importance of wetlands and to demonstrate the feasibility of such an undertaking. The Crissy Field wetland design is uniquely tailored to fit within the physical limitations of the shoreline site. These barriers are Mason Street and the military PX (post exchange), and Commissary buildings. Any possible further expansion of the marsh will be in the area of the Army's PX and Commissary buildings.

The Crissy Field Plan is sponsored jointly by the National Parks Association and the NPS. The services of the architectural firm Hargreaves Associates have been retained to be the site general contractor. They will oversee the design of the entire 100 acre project. Philip Williams & Associates will design and create the 20 acre tidal wetland. They will additionally have responsibility of the hydrology of the entire site, the plumbing of Tennessee Hollow. Additional work

on site will remove the rubble shoreline and restore the natural sandy beach and native dune vegetation. A continuous promenade will connect with the existing path at the Marina Green and continue to Fort Point directly underneath the Golden Gate Bridge.

The conversion of the Presidio from a military base to a National Park is one of the most difficult challenges ever undertaken by the NPS. It was determined during the planning process that one of the park's primary missions should be to demonstrate environmental sustainability. With this concept in mind, the designers of the wetland determined that all dredged materials had to remain on site. There could be no exportation or importation of natural resources. The dredging spoils will be used for restoration of the historical airfield and other topographical features. Once the wetland area is dredged and opened up to the tidal action of the bay, natural processes will be allowed to occur. The entire Tennessee Hollow watershed area will be routed into the wetland to allow freshwater flows to seasonally scour the site clean. It is hoped that the channel will not silt up and need to be continually maintained. The whole area will be revegetated with native plants. After completion of the initial work, there should be no need for additional human intervention or resources. The idea is to allow the marsh to be self-sustaining and regulating. The restoration of the wetlands will create a new resource for future generations. The construction phase of this project is slated to begin in Spring 1998 and be complete by 1999.

The benefits from this new wetland resource are numerous. The most obvious beneficiaries will be the biological species that will be given a home. The migratory water fowl also will have a new resting area on the Pacific Flyway. The entire bay ecosystem will receive benefits from increased water purity. There will also be a new fish nursery created for reproduction of fish species. The benefits to the human population will be two-fold. The first benefit will be in the area of community involvement. The

marsh will be used as a resource for local schools in teaching about natural ecosystems with hands-on experience. The marsh will also utilize community volunteers to help in revegetation and site maintenance. Secondly, there is an intangible benefit. This is the esthetic quality of having a natural wetland ecosystem right on San Francisco's doorstep.

When the national legislation finally passed this year authorizing the Presidio Park, the Congress's fiduciary concern necessitated that the park not be a burden upon the nation's treasury. Therefore the rehabilitation and restoration work at Crissy Field will be accomplished with private funds. According to Michael Boland, the Director of Park Projects, all of the work planned at Crissy Field will cost around \$16 million dollars. The 20-acre marsh site will cost approximately \$3 million dollars of that total. The \$3 million dollars for the wetlands will be paid for by the San Francisco International Airport. The Airport is in the process of a large expansion project that will require the filling and loss of 17 acres of wetlands at the airport. In order to proceed with the expansion, the airport needs to mitigate this loss of habitat. The exact terms of this mitigation plan have not been finalized at this time, but the Airport has committed to the Crissy Field project. The agreement to fund this project was announced October 3, 1996 by Mayor Brown and Congresswoman Pelosi.

The Master Plan for the Presidio Park included four scenarios throughout the planning process. The different scenarios were dependent on the level of funding and support. It was not known at the time of the planning how the park legislation would play out. Therefore, the four differing scenarios ranged from the low end of little more than care taking, to the best case scenario of being highly aggressive in restoring the natural ecosystems throughout the park. The current announced projects, including the wetland restoration, are in keeping with the best case scenarios. Some of the obstacles involved with the Crissy Field wetland res-

toration project included skeptical neighborhood groups concerned with rodents and mosquitoes. The Marina Neighborhood groups are also quite concerned with the level of traffic into the Crissy Field area. The concerns of recreational users such as dog owners needed to be factored into the equation because of the desire to allow off-leash dog walking. The design took into account the potential dog and feral cat problem with hidden barrier fencing surrounding the marsh. The largest obstacle left in the project's implementation is the ability of the Military to finish their hazard waste cleanup on the site. Any delay on their part will slow down the time table for the project. The final plan is the best case scenario for the site that incorporates the needs of the current human population and yet leaves space for wildlife and the natural ecosystem, a win-win situation.

In conclusion, the wetland restoration at Crissy Field is a victory for urban sustainable development projects. The size of the site is small, only 20 acres, but the symbolic size of the project is enormous. The NPS believes that this project is vital to the overall success of the park. Crissy Field receives the most visitors to the park and this marsh will be the central feature of the new urban park. Acceptance to this recreated wild place will enable future similar projects to proceed. Throughout the planning process, the largest obstacle to this sustainable development plan was public perception. There was a general fear of having a wild place with the city limits and close to residential neighborhoods. The ultimate goal of this small experiment in urban wetland restoration is to foster a sense of tolerance with nature and the need to live in harmony with other living things.

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Real Goods: Promoting Sustainable Development

Laurel Hunter

Access to information, products and services that promote environmentally sustainable development is essential in order to move toward a sustainable world. Real Goods and the Real Goods Solar Living Center, located in Ukiah, California, are excellent resources for those interested in learning how to incorporate sustainable practices into their everyday life. The following paper profiles examples of environmentally sustainable products and programs available at Real Goods and the Real Goods Solar Living Center.

Real Goods, located in Ukiah, California, is a retail outlet devoted to the sale of products that promote environmentally sustainable development. It operates a resource and information facility called the Real Goods Solar Living Center which demonstrates practical applications of sustainable development and design. While the main focus of the Real Goods Solar Living Center is on renewable energy, the complex operates completely sustainably, providing extensive information and numerous models of non-exploitative and environmentally sustainable projects. The entire complex operates utilizing methods "which meet the needs of the present without compromising the ability of future generations to meet their own needs" [Brundtland Commission (1987)], and offers information, products and services to those who wish to research and implement sustainable lifestyles.

The Center was founded and developed by John Schaeffer, a graduate of the University of California at Berkeley. Schaeffer founded the center after residing on a commune where he initially lived without electricity and other modern conveniences. During his communal experience, he realized the difficulties of living sustainably and began his quest to develop methods to make the task more feasible. He spent many hours researching and collect-

ing various environmentally sound and sustainable products - "fertilizer, bone meal, tools and other goods related to the communitarian's close-to-the-earth-lifestyle." He then realized that a good part of the problem in living sustainably was the effort involved in acquiring the knowledge, skills and products necessary to do so.

Schaeffer founded Real Goods in order to provide a place where products could be purchased, information shared, and models of sustainable development could all be displayed under one roof. While products may be purchased from Real Goods by visiting their retail complex or by mail, the most valuable information about adopting environmentally sustainable practices can be found by visiting the Real Goods Solar Living Center. At the center there are numerous examples of sustainable development projects open to the public, ranging from solar energy generation to waterless urinals. The entire center is a shining example of a sustainable environment and an inspiration to those who are pessimistic about the future of the earth.

A walking tour around the Solar Living Center reveals a virtual wonderland of sustainable projects. Projects include the Agave Cooling Tower, which is located in an area which used to be a California Transit dump site. Real Goods transformed the

area to a pristine water cooling and storage tower. A solar-powered pump is used to force water to an elevated water tank, which is then released to flow through a series of features on the land, allowing the water to cool on its way to the Agave Cooling Tower. The sound of the water overrides the sound of a nearby freeway, contributing to the serenity of the environment. All energy is provided by the sun and wind, thereby making the project completely sustainable.

While the center is engaged in many aspects of sustainable development, their main focus is on renewable energy. The Center's Renewable Energy Control Center not only provides the energy for the water system, but also provides power for the entire facility. The Renewable Energy Control Center utilizes solar energy so efficiently that it has made arrangements to sell excess energy to Pacific Gas & Electric when the sun is shining and buy it back from them when it is cloudy. Michael Potts of Real Goods calls harvesting energy from the sun the "single, most important factor in achieving a comfortable independent lifestyle." The Real Goods Solar Living Center provides models of sustainable energy production and supplies extensive information to individuals interested in implementing sustainable energy plans.

One of the more successful sustainable development projects that Real Goods promotes, and provides information about, is wind turbines. Much information on this power source is available through Real Goods on the Internet. While it does not explain one specific project, it explains the benefits of the system overall.

According to Real Goods, wind has proven to be an extremely reliable source of energy for individual production and energy production on a mass scale. One wind turbine can produce enough energy to serve a remote homestead, with much energy to spare (or sell). In the Tehachapi Mountains

of California, five thousand wind turbines generate enough electricity to serve the needs of 500,000 people. Wind power is safe, reliable, and most importantly, renewable.

Wind turbines are an extremely reliable source of energy, especially if combined with another energy generation system such as solar power. In the winter, individuals can use their wind turbines, since it is generally windy in the winter. In the summer, they can use solar energy. A Pacific Gas & Electric (PG&E) study showed that generators were rarely necessary for those utilizing a solar/wind turbine system of power generation, except to give them peace of mind.

The same study shows that wind turbines and solar power are extremely useful in powering remote sights where an entire power plant would be difficult to justify. Increasing numbers of wind turbines are being purchased by home owners who want to produce their own electricity rather than rely on controversial energy sources such as nuclear power plants. Statistics in the PG&E study showed that wind turbine power production is increasing at a rate of 29% per year. Wind turbines require a minimum wind speed of just 9 miles per hour, and therefore are a practical energy solution in almost any environment. The Electric Research Institute acknowledged in their study that it may be more economical to replace under-used transmission lines with wind turbines, rather than maintain the power lines.

On a larger scale, more and more developing countries are turning to wind power because it is less expensive, more reliable, and quicker in terms of meeting the electrical needs of rural areas. Very little electricity is needed to improve the quality of life in developing countries, yet hundreds of thousands of dollars are required to build powerplants. Wind turbines are an economical alternative to developing countries with limited monetary resources for energy pro-

"A good part of the problem in living sustainably was the effort involved in acquiring the knowledge, skills and products necessary to do so."

duction. Further, wind turbines and solar energy address the problem of unequal distribution of energy, since sunshine and wind are available to everyone. Real Goods is a major information source and distributor of materials for wind turbine power development. While their focus is on domestic and residential turbines, their information and research shows that wind and solar power are realistic and viable options for mass energy production in many developing countries.

To educate consumers about their sustainability options, Real Goods also provides examples of existing sustainable development models which are not a part of their center. One project model is Nancy Washburn's Home in Almond, Wisconsin. Her home is an off-grid home (which means that she is not connected to a major power company, but generates her own electricity). The house utilizes a passive solar design with windows containing argon gas. They are also fitted with "window quilts" which prevent heat from escaping during the dark hours. The floor is made of concrete which absorbs heat from the sun and releases the stored energy at night. Alternative heat is provided from an airtight wood burning stove.

Real Goods is a business, therefore it is mainly profit-driven, yet many sponsors have donated and contributed materials and items, contributing to the success of the Solar Living Center. James Hardie Building Products provided the center with recycled 4 X 8 panels made from newspaper and cement. Other companies have donated such items as tank liners, pond liners, rice bales, electrical switches, plugs and motion sensors, recycled plastic garden benches and many other products which have contributed to the creation of the Real Goods Solar Living Center's sustainable environment.

Aside from promoting renewable energy, the Real Goods Solar Living Center is an inspiration to further the concept of sustainable development. The property is landscaped with drought resistant plant life which generate food and herbs. The build-

ing is designed to take advantage of light and heat from the sun. Its walls are made of rice straw, soil and cement and the roof is made of a special rubber; factors which result in effective insulation and thermal control. Cabinets and wall panels are made from a mixture of recycled newspaper and cement, countertops contain recycled glass, and in the restrooms, wainscoting is made of recycled toilet tank lids. Virtually every aspect of the center, from water heating to organic gardening, provides an example of a successful sustainable development project.

The very existence of the Real Goods retail outlet and the Real Goods Solar Living Center is a benefit to many. Home owners and builders who wish to develop projects sustainably can easily obtain supplies, information and assistance from the retail outlet. Children and adults alike can enjoy visiting the Real Goods Solar Living Center and participating in its learning programs and classes. The Real Goods Solar Living Center is proof that cost effective and convenient plans for sustainable development are possible, and that renewable energy is a reliable and feasible option for individuals and business interested in adopting environmentally sustainable building practices.

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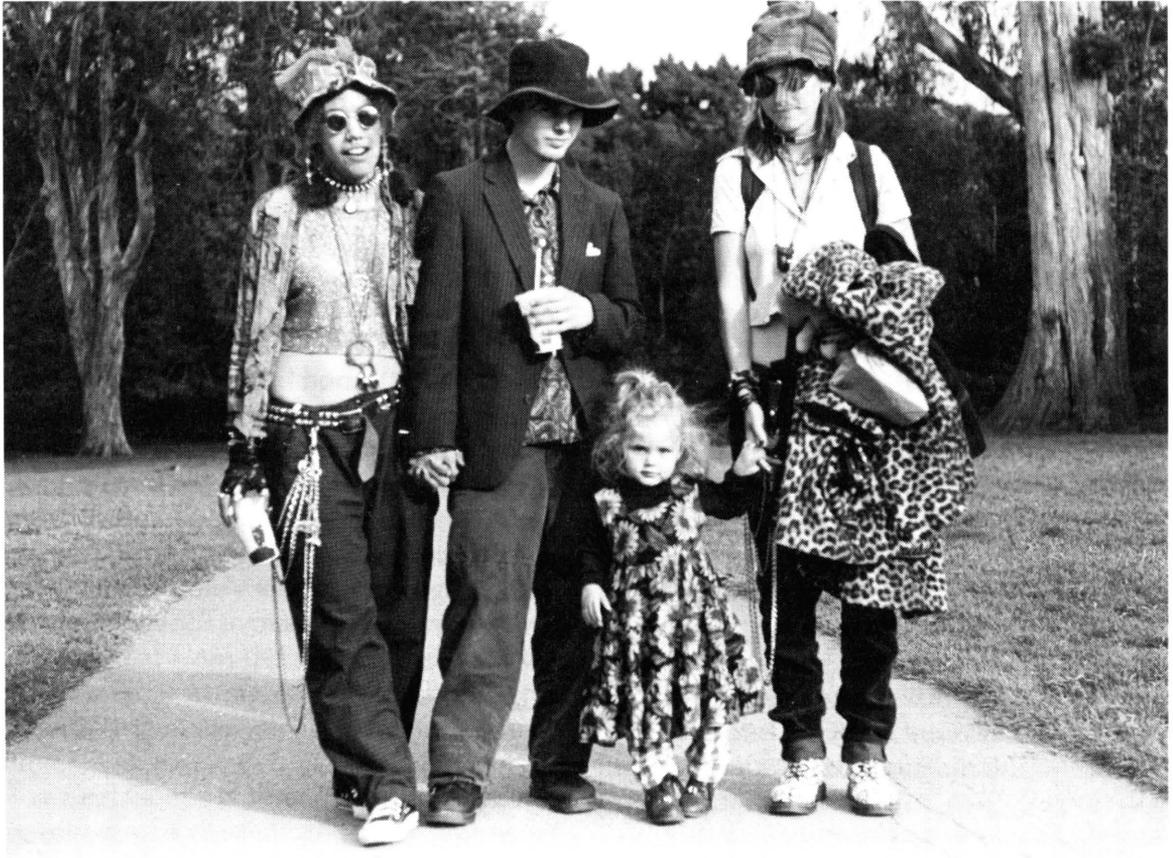


photo by Chris Rath

Real Alternatives Program

Ralph Aspeytia and Sergio Saenz

With the current rate of high school dropout as high as 50% in some school districts, alternative high school settings are becoming an important option for students to turn to for a fair chance at an education. This research report examines high school students' perspectives on, and satisfaction with San Francisco's Real Alternatives Program (RAP), and the academic community's attempt to successfully educate "at risk" high school students.

I. INTRODUCTION

Prior to undertaking a research project focusing on a high school for "at risk" youth in San Francisco called the Real Alternatives Program, we were fortunate to be able to view a documentary called *Chicano*.

Chicano focuses, in part, on the East Los Angeles "blowouts" of the late 1960s. One interviewee in the documentary discusses the conditions prevalent at a predominantly Chicano high school called Garfield High School, as part of a larger social problem-justice. The interviewee was upset by the yearly dropout percentages at Garfield of 57%.

Although the "blowouts" occurred in 1968, the problem of high dropout rates among high school populations is still with us and unfortunately is not unique to Garfield. Wherever there is a majority Chicano/Latino population, it is most likely to be located in a school district with high dropout rates and low academic achievement. Today, it is estimated that the national dropout rate is approximately 25%; in some cities it is as high as 50%. According to a California Post-secondary Education Report, the dropout rates for students in the class of 1991 are as follows: African-American 29%, Chicano/Latino 27% and Anglo 12%. Given the failings of our current educational sys-

tem, is not surprising that 80% of our national prison population is composed of high school dropouts.¹

We work from the premise that one perfect academic model and a "one-size-fits-all" methodological and philosophical approach to teaching and learning does not exist. It is impossible to assume that all we need to do is plug students into a traditional curricular model and expect to produce successful high school graduates; the school-age population is just too diverse and complex.

We were interested in researching alternative schools, the methods and philosophies they use to "capture" students who are "at risk" of dropping out from traditional high school environments; we wanted to know what the academic community did, in terms of curriculum, teachers and school environment, to successfully educate these students. It must be pointed out that our focus was on the students and their impressions of these strategies. To date, much of the literature on alternative educational programs is written by the academic community and our research addresses their perspective, but we were most interested in the student perspective and their analysis of these types of programs.

To that end, we examined San Francisco's Real Alternatives Program

(RAP), an alternative high school in San Francisco's Mission District. We believe RAP correctly identifies itself as an alternative high school because it possesses the characteristics Raywid (1984)² uses to define an alternative school. Those characteristics are as follows:

1. The alternative constitutes a distinctive and identifiable administrative unit with its own personnel and program. Moreover, substantial effort is likely to be addressed to creating a strong sense of affiliation with the unit.

2. Structures and processes generative of school climate are held important and receive considerable attention within the unit.

3. Students, as well as staff, enter the alternative as a matter of choice rather than assignment.

4. The alternative is designed to respond to particular needs, desires, or interests not otherwise met in schools, resulting in a program that is distinctively different from that of the schools in the area.

5. Alternative schools generally address a broader range of student development rather than just the cognitive or academic. Typically, the sort of person the learner is becoming is a matter of first concern.

The type of students RAP works with, "at risk" youth, are a bit more difficult to characterize because the definition of what constitutes "at risk", is greatly debated. However, we will use Morley and Clay's (1983) characteristics or indicators of potential dropouts, to guide us in our research. They are outlined as follows:

1. absenteeism, truancy and frequent tardiness.

2. poor grades, failure in one or more subjects or grade levels.

3. low math and reading scores, usually two or more years behind.

4. limited extracurricular participation, lack of identification with school,

expressed feelings of not belonging.

5. poor social adjustment, perhaps socially or emotionally disturbed.

6. low self-esteem relative to authority figures.

7. criminal records

8. lack of future orientation.

9. inability to tolerate present school structured activities but want structure.

10. failure to see relevance of education to life experiences.³

The primary angle from which we looked at education was to focus on a particular program that is effective in educating at risk youth. We felt that a school such as the Real Alternatives Program was a perfect example of a model which, through its unique educational philosophies, is succeeding

where most of America's schools are failing. In the last four years, RAP has become a fully-accredited, four year high school and has successfully sent all of its first graduating class to junior college or a four year university.

The Real Alternatives Program has evolved over its 25 year existence. Initially it was a community center with programs focused on violence prevention, child care, and community day school. At the time, RAP served to educate students, to get them back on track, and then send them back to a traditional high school. Today, RAP continues to serve as a community center with programs such as the Community Peace Initiative and the Calles Project (translates literally into "streets project"). Both serve as violence prevention programs in which RAP students actively participate.

II. LITERATURE REVIEW

Teachers

A review of the literature on the role teachers play in alternative high schools reveals that the school/classroom environ-

"Wherever there is a majority Chicano/Latino population, it is most likely to be in a school district with a high dropout rates and low academic achievement."

ment teachers create and the relationships they cultivate with the students often determine the success or failure of an alternative school. Much of the literature argues that it is necessary for teachers to engage in more of a power sharing relationship with the students. For example, Ronald E. Butchart's (1996) study of alternative high schools around the country shows the central role teachers play in creating a healthy, supportive environment; an environment where students aren't humiliated and are encouraged to participate and to question.⁴ Conant (1992) takes a more psychological perspective and argues the importance of increasing student self-esteem via the teacher - and the school environment or structure. Conant believes in a power sharing relationship that can build self-esteem and increase academic achievement. He believes in a "lead management" style of teaching, as opposed to a "boss management" philosophy. Bucci and Reitzammer (1992) argue that, "the most significant and comprehensive factor in preventing "at risk" students from dropping out of school is the maintenance of a positive school environment." Teachers add to this environment by believing that all students are capable of success, believing in the self-worth of every child and communicating these feelings daily to the students.⁵ Nave (1991) reiterates the importance of raising a child's self-esteem and adds that, "self-esteem is more closely associated with student success than is intelligence quotient." He argues that self-esteem can be raised, via the teacher, in the following ways: 1) take time to reinforce the importance of a student's needs by actively listening to each student, 2) acknowledge the student's needs, dreams, and problems, 3) place high expectations on each student, 4) believe every student can learn, 5) believe every student will learn, and 6) believe in their own ability to find the key to unlock the student's intrinsic motivation.⁶ Yagi (1983) again states the importance of student-teacher relationships and believes that this is more important for a successful alternative high school than curriculum, given that most al-

ternative schools use a primarily traditional curriculum. He argues that "at risk" youth benefit from a power sharing relationship with the teacher.⁷

Environment

In terms of school environment, structure is most often discussed. Two themes that reoccur throughout the literature are the importance of small classrooms and the quality of the school day. Again, both Butchart (1986) and Yagi (1983) mention the importance of small classroom size. This allows for the more individualized attention that "at risk" youth require. It also helps the teacher and student to engage in the power sharing relationship discussed earlier.

In her study of 20 high school dropouts, Kitty K. Epstein found that many of them failed to buy into the traditional rationale for high school achievement and attendance. Epstein argues that for lower income, urban, students of color, the correlation between a good education and a well paying job was difficult to justify, given the high unemployment rates within their communities. Epstein also argues that the "only possible motivation for school attendance is the school day itself - a sense of intellectual accomplishment, personal fulfillment, entertainment, or a sense of belonging."⁸

Curriculum

In terms of curriculum, it appears as though many alternative schools rely on a traditional curriculum; multiculturalism is rarely mentioned. Few studies focus on the importance of a multicultural curriculum to effectively educate "at risk" youth. However, one study did argue that the American educational system has a negative psychological effect upon students of color. Orozco argues that the American public school curriculum has three objectives. The first is to instill good citizenship. The second, to teach reading, writing and arithmetic — the three "R's." And third, to monoculturalize and monoracialize young people.⁹ Orozco ar-

gues that the self-esteem of the Chicano child is deflated by daily school life. Further, Orozco argues that a multicultural curriculum which critically examines issues of power, one that analyzes issues of class, race/ethnicity and gender - as well as focuses on negated perspectives - is necessary so that the Chicano child will not be damaged.

III. METHODS

This research project was designed to collect data on what "at risk" youth had to say about what the academic community felt were effective teaching methods and philosophies. We were interested in adding their perspective to the debate. We reviewed the literature, found recurring themes and then designed our survey questions based on those themes. We focused on three areas: curriculum, teachers and school environment or tone. We posed the following research question: "What type of strategies, methods and philosophies does RAP High School utilize in order to retain and educate "at risk" youth?"

We surveyed 36 students at RAP High School which is roughly 45% of the total school population. Nineteen, or 52% of those surveyed, were female and seventeen, or 47% of those surveyed, were male. Thirty of the students identified themselves as one of many of the Latino/Chicano subgroups. Five identified as Samoan and one self-identified as African-American. Seven students, 19% of those surveyed, were born outside the country. All but one were from a Latin American country.

Individual students at RAP were not selected to take the survey but were given the survey if they volunteered. We gave in-class presentations and explained the purpose of our research and the purpose of our survey. We felt the people who were in the best position to say what strategies were most effective were the students

themselves who encounter and benefit from these strategies each day.

The means by which we collected our data was solely via survey. The survey consisted of 28 questions which were both open-and close-ended. All surveys contained the same questions and were in the same order. The survey consisted of questions designed to find out the students general demographic information (age, grade, gender, etc.). In addition, there were questions pertaining to various teaching strategies and questions requiring written responses from students. The survey was designed with two main objectives in mind. First, to obtain definite answers to the questions based on our assumptions. And second, to allow the student to put forth his or her personal perspective of RAP.

The research for the project was conducted from October 1st to November 29th, 1996. Surveys were administered at RAP High School the week of November 18, 1996. The surveys and presentations were conducted over a five day period, November 18th to 23rd, 1996. All survey respondents remained anonymous.

IV. FINDINGS

Our findings center around the three areas we considered throughout our research: teachers, school environment and curriculum.

Teachers

In terms of effective education, the issue of the teacher is paramount. In our research we hypothesized two areas which might be positive strategies. Our hypothesized assumptions were that the students would think it was important to have teachers who were of their own ethnic/racial background and that the students would think that it was important to have teachers who were close to their own age.

In terms of ethnic/racial background, we asked students the question, "Do you think it is important to have teachers who are of your own ethnic/racial background?" We found that 21 of our 36 respondents, or 58%, felt it was important. Many stated the importance of having a positive Latino/Chicano role model in the classroom, others felt there was a greater connection because of similarities in life experiences. The 10 students, or 27%, who felt that it was not important were adamant about it. They stressed that they just wanted to learn, to be educated. As long as that was happening, it did not matter who was teaching them. For that 27%, it was more important to have a challenging curriculum than a teacher who is of the same ethnicity. The remaining 4 students, or 11%, failed to give us a response. This correlates with our assumptions that students value teachers of the same ethnic/racial group.

The next set of results dealing with teachers actually proved our prior hypothesis wrong. The question we asked was, "Do you think it is important to have teachers who are closer to you own age?" This question was really designed to satisfy our own curiosity, rather than to correlate with our literature review. One of our observations, after spending time at the RAP school, was that the four teachers were under the age of thirty. We thought it was important to find out what the students thought about this. Surprisingly, there was a fairly even distribution of answers. Sixteen, or about 44%, felt that it was important. Fourteen, or 38% felt it was not important, and six, or 16%, gave us a mixed response. It ultimately, mattered in some cases and not in others.

School Environment

The second area that our research focused on was that of school environment or tone. The question we asked the students was; "Do RAP students have a voice in determining what their school will look

like?" To our surprise, 29 of the 36, or 80% of students surveyed, believe that they have a voice in determining what their school looks like. We found the campus, as well as the classrooms, not only had the students voice, but reflected their artistic talents and hard work. Murals painted by students are all over the school and classrooms; paintings of Chicano heroes and positive slogans such as " Si Se Puede" meaning, "it can be done" adorn the insides of the classrooms.

We feel that this is evidence that the RAP is finding ways to create a school in which the students can feel they play an integral role. By having students take an active role in their school; the students will take pride in their school and it will be a place students want to come to and be around. Once the students want to be there, half the teaching is done.

Curriculum

In terms of curriculum, or more specifically cultural relevancy, we asked the question " Do you think it is important to have classes that are culturally relevant?"

An overwhelming number of students support this type of curriculum - 29 of the 36 students - or about 80 % . We saw a couple of good examples of what we believed to be culturally relevant assignments; one being a writing exercise that asked a student to plan a trip from California to destinations where they could get in touch with cultural heritage, background or family roots. They were also asked to draw a map to locate significant locals. Another teacher, Vicente, had the students build Aztec pyramids with sugar cubes in teaching them about area and perimeters. We felt that both of these assignments were educational, personal and an interesting way to incorporate culture into the curriculum.

V. CONCLUSION

In conclusion, our study was designed to examine which strategies and philosophies RAP High School embraces to educate and retain "at risk" youth. We found that the strategies of a culturally relevant curriculum, having teachers of the same ethnic or racial background, creating an environment which is created both by and for the student and an administration which is indigenous to the community are factors influencing the success of an alternative high school.

Another dimension of RAP which is a bit intangible but nonetheless very prevalent is the school's position of being critical of the dominant culture and analyzing issues relevant to the community in a political sense. For example, the students held a community forum in regard to the issue of Caller I.D., promoted by the telephone company, Sprint. Sprint administrators were brought in and questioned about issues of privacy associated with Caller I.D. The students were concerned with the possibility of Caller I.D. being used in efforts to track down undocumented people(s) by the Immigration and Naturalization Services.

Finally, we found that the RAP is successful because it is not only a school but also a community center and a safe place for students. RAP is working to both educate students and help solve the problems which effect the students lives every day such as violence and drug addiction. Ultimately the Real Alternatives Program triumphs because it is concerned with the whole student in and out of school, and not just from the school hours of eight to two during the day.

NOTES

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³ Morley, Raymond E., and Clay, Helen I. "Alternative Schools and Programs." ERIC 1983 ED 233 489.

⁴ Butchart, Ronald E. "Dropout Prevention Through Alternative High Schools: A Study of the National Experience." ERIC ED 273 872.

⁵ Bucci, John and Ann Reitzammer, "Teachers Make the Critical Difference in Dropout Prevention Educational Forum." Fall 1992.

⁶ Nave, B. "Self - Esteem: The Key to Student Success." Solutions and Strategies. Clemson, S.C.: National Dropout Prevention Center, 1991.

⁷ Yagi, Kan. "Portland Public Schools Supported Private Alternative School Programs," ERIC 1983 ED 236 801

⁸ Epstein, Kitty. "Case Studies In Dropping Out And Dropping Back In," Journal of Education 174.3 (1992). 56 - 65.

⁹ Chapters of Orozco's book, *The Labyrinth of the Chicano Mind*, were given to me by a RAP instructor.

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How Green Is My Valley?: Water, Politics and the Case of Dougherty Valley

Jeff Kapellas

Political and legal conflicts, rather than rational planning, often drive land use and development decisions in California. The Dougherty Valley development provides a case study of the tangled web of influence, money and politics can place on planning decisions, as one of the state's largest developers and one of its largest water agencies battled over an 11,000-home mixed-use development in eastern Contra Costa County. The combined political-legal battle extended beyond the local realm to reach the state Legislature and included some of the most influential names in California politics. The case also illustrates the conflict over scarce water resources in the state.

Crossing the Oakland Hills into the San Ramon and Livermore Valleys was once like crossing into another realm. Not only did one depart the moderating influence of the fog and bay for the hot, arid interior, but one also left the density, activity and grit of the urban core for open space, relaxation and quiet of ranches and wineries. As with many other parts of the state, the very elements that made the region attractive to refugees from the urban core began to disappear as more people sought them out, and by the late 1980s, Contra Costa and eastern Alameda Counties were among the fastest growing areas in the state. Debates over the extent and pace of development inevitably arose as the inherent conflicting aims of local governments seeking larger fiscal bases and developers seeking profits clashed with those of environmentalists and local residents fearing increased urban sprawl and the destruction of the very elements which brought people to the area in the first place. In one of the fiercest disputes, the Contra Costa County Board of Supervisors, Shapell Industries (one of the state's largest developers) and the East Bay Municipal Utilities District (EBMUD) squared off in what would be one of the clearest illustrations of the high-intensity conflict between water, politics, money and urban growth in California.

Dougherty Valley is a 5979-acre tract of grass hillsides and oak trees located in

south-central Contra Costa County. The valley is bordered on the west by the city of San Ramon, on the north by the city of Danville, by the city of Dublin and the Alameda County line to the south and by its sibling Tassajara Valley to the east. The area had long been used as pasture land, with the majority of the valley held by the Gale (2708 acres) and Gumpert (2379 acres) ranches. The remainder of the valley, (approximately 892 acres) lies within the boundary of Camp Parks, a former U.S. Army Reserve training base.

Although the valley lies within the San Ramon "planning area," as designated by the Contra Costa County LAFCO¹, both San Ramon and the county, at various times, indicated an interest in area's development. On March 23, 1990, the county and San Ramon signed a Memorandum of Understanding (MOU) which sought to facilitate planning coordination between the two parties. Under the MOU, the San Ramon Planning Commission, with consultation from the county Planning Commission, would draft a "Dougherty Valley Specific Plan," and the area would be annexed into San Ramon.

THE JUDICIAL GAMBIT

The origins of the Dougherty dispute resided in the public reaction to the 1980s

boom real estate market in the Tri-Valley area. In 1990, voters in Contra Costa County approved Measure C, which created an urban growth limit line designed to restrain sprawl and protect hillside open space. Although Dougherty Valley was included within this line, it remained outside EBMUD's "ultimate service boundary" which delimited the area to which the district would provide service. In the same 1990 election, voters in Oakland and Castro Valley would elect two "environmentalist" members to the EBMUD board, creating the first slow-growth majority in the district's history.

In the late 1980s, Shapell Industries purchased the Gale Ranch property while another concern, Windemere Ranch Associates, purchased Gumpert Ranch. The two development companies began joint planning for a mixed commercial-residential planned urban development in the valley consisting of 11,000 residential units (most priced above \$250,000) and 680,000 sq. ft. of commercial space. By the developers' own estimates, the build-out value of the project would be \$4.5 billion.²

In April 1991, San Ramon released its Dougherty Valley Draft Specific Plan Environmental Impact Report. According to later court documents, even though the plan called for the construction of fewer units than would ultimately be approved, EBMUD opposed the plan, citing that the district did not have sufficient water to supply the proposed development.³ A number of local San Ramon interests opposed the result project at well, citing that the Environmental Impact Report (EIR) failed to adequately address issues of increased traffic and sprawl.⁴ As a result, the San Ramon City Council refused to certify the EIR.⁵

While San Ramon debated the merits of the Draft Specific Plan, the Contra Costa County Board of Supervisors on March 12, 1991 authorized a general plan review and its own specific plan study of Dougherty

Valley. This decision, EBMUD later argued, represented a breaking of the MOU as it "signaled the [county] Board of Supervisors' intent to supplant San Ramon in the Specific Plan development process."⁶

With the Williamson Act contracts on the two ranches due to expire,⁷ Shapell and Windemere submitted their plan for development of the valley to the county. The Draft EIR for the project was released on June 8, 1992.⁸ According to the EBMUD suit, over seventy comment letters were received on the EIR, with the vast majority opposing the project; among the project's opponents was EBMUD, which argued that the project threatened to strain the district's available water capacity and ability to serve its existing customers.⁹

Despite the concerns raised, the county Zoning Administrator endorsed the Shapell/Windemere EIR and recommended its certification, which the County Planning Commission provided on December 1, 1992. The following day, the San Ramon City Council passed a resolution calling for the county Board of Supervisors to reject the Specific Plan and General Plan Amendment. This resolution fell on deaf ears, however, and on December 22, the county Board of Supervisors approved the project.¹⁰

EBMUD filed suit on February 17, 1993, seeking the overturn of the EIR's certification. Specifically, EBMUD charged that Contra Costa County's action violated both the California Environmental Quality Act, by failing to adequately consider water supply, and the State Planning and Zoning Law, by approving a project which was inconsistent with the general plan. In its response, the county argued that it was within its rights since the valley fell within the Urban Growth Boundary set by Measure C. Furthermore, it argued, EBMUD had never questioned the availability of water resources for developments within the district's ultimate service boundary.¹¹

"The public interest group Common Cause gave the bill its annual 'sleaze' award, while others pointed to the large contributions made by Shapell to key legislators over the years."

On April 25, 1994, Judge David Allen ruled in favor of the EBMUD petition. The judge's ruling turned on three key issues:

"(1) The administrative record lacks substantial evidence supporting respondents' decision to use a tiered EIR for the purpose of deferring the issue of available water to a subsequent EIR; (2) The administrative record lacks substantial evidence supporting a finding that the EIR contains sufficient analysis concerning the availability of water for the Dougherty Valley project; and (3) Respondents' approval of the Specific Plan, without substantial evidence of an assurance of an adequate water source, rendered the General Plan internally inconsistent."¹²

The ruling set aside the county's approval of the Shapell/Windemere EIR and ordered that a new EIR be drafted and approved by October 30, 1994. It also ordered that "any general plan amendment and/or specific plan adopted in the future for the Dougherty Valley project corrects the deficiencies found in this Court's Ruling" and that all permits and work on the site be suspended pending the approval of the new EIR.

In short, the ruling was a decisive victory for EBMUD. Or was it? While the district awaited the result of the county's appeal of the Allen ruling, events in the legislature and at the polling booths changed the stakes in the Dougherty fight.

THE LEGISLATIVE GAMBIT

On March 25, 1993, State Senator Dan Boatwright (D-Concord) introduced a bill requiring "any public water provider to provide water services to an area designated for urban growth, as defined, when the applicable local agency formation commission has included that area within the water provider's boundaries."¹³ Although the bill included provisions for the local water service provider to refuse service by declaring a "public service emergency" or by "making public findings as to the quantity, quality and reliability of current service," its pas-

sage would have resulted in a significant increase in the power and influence of LAFCOs — and by extension, since they are often dominated by pro-development county officials,¹⁴ developers — over the pace and direction of new development. Under California administrative law, LAFCOs set spheres of influence within which local governments and agencies set the pace of development. Usually, boundary changes and annexations are requested by the local jurisdiction or agency, with the LAFCO granting or withholding approval. However, by granting LAFCOs the power to compel utilities to provide service to areas outside of their jurisdiction, Boatwright's bill, designated SB 1250, would have changed the formerly bottom-up process into a top-down one.

Battle lines formed quickly around SB 1250. A number of utilities, cities, environmental groups and municipal associations — including EBMUD, Association of California Water Agencies, Municipal Water District of Southern California, Greenbelt Alliance, Sierra Club, and the League of California Cities — indicated their opposition to the measure. The public interest group Common Cause gave the bill its annual "sleaze" award,¹⁵ while others pointed to the large contributions made by Shapell to key legislators over the years.¹⁶ Supporters of the bill were mostly developers, contractors and business groups, including Shapell Industries, California Building Industry Association, Bay Area Council, Contra Costa Building Trades Council, and the California Business Properties Association.¹⁷ In addition, Shapell and Windemere Ranch Associates hired the firm Sacramento Advocates to lobby for the bill; the firm's roster included Barry Brokaw, Boatwright's former chief-of-staff, and Richie Ross, a top consultant to Assembly Speaker Willie Brown.¹⁸ Despite opposition, the bill passed the Senate, 21-9, though not without significant revisions limiting its application specifically to water providers in Contra Costa County and allowing a utility to appeal boundary changes to the State Water Resources Con-

trol Board, which would, in theory, be insulated from local development pressures.¹⁹

Although SB 1250 sailed through the Senate, its companion measure in the Assembly, AB 3588, died in that chamber's Local Government Committee, in part due to the introduction of a competing bill establishing a means by which to determine if sufficient water existed for new developments. AB 2673, authored by Dominic Cortese (D-San Jose), sought to tie water use planning directly to the general plan process. Under AB 2673, the land use, circulation and conservation elements of a city or county general plan would need to include the analysis of water supply availability. In addition, general plans, amendments and specific plans relating development in areas outside of a water utility's jurisdiction would need to identify the likely public water service provider. That agency would then be required to present findings as to the availability of water for the development. If the agency determined its supply to be insufficient to service the new project, the plan or amendment could be approved until its water requirements were consistent with the water agency's supply projection, or until it identified alternative sources or improvements that would allow sufficient supplies.²⁰

The groups which clashed over the Boatwright Bill (SB 1250) did so again over AB 2673, but with supporters and opponents reversed. The Cortese Bill faced a difficult fight through the Assembly, passing the Local Government Committee on a slim 6-5 vote, the Ways and Means Committee on a 12-7 vote, failing in its first Assembly floor vote 38-27 (with 41 votes required for passage) and passing on reconsideration 42-31. After reaching the Senate, the Bill was referred to the Agriculture and Water Committee, where it languished while the Legislature recessed for the 1994 elections.

The convening of new Legislature in January 1995 provided the opportunity to revive AB 2673. Cortese reintroduced the

measure (now dubbed AB 1003) soon after the convening of the new Assembly. However, the conservative change in the Assembly did not bode well for its passage, and the new bill failed to pass the Local Government Subcommittee.²¹

In the end, the legislative machinations to compel EBMUD's service to the development were moot. By late 1993, each side had invested so much energy and ego in the fight that resolution would only come with one side's capitulation. With the 1994 election season approaching, the battle would move to a different realm.

THE POLITICAL CHECKMATE

The 1990 election for the EBMUD Board of Supervisors was a watershed event for the district. From its inception in the 1920s, the district had held a largely pro-growth, pro-development stance.²² But in 1990, East Bay voters, whether spurred by renewed public interest following the Earth Day celebrations or in reaction to a decade of uncontrolled urban growth, opted for change in the EBMUD board by electing three environmentalist members to the board. Two of the new members came to the board fresh from the fight to prevent the district from constructing a new reservoir in the East Bay hills. Andrew Cohen, a wildlife ecologist and activist whose assertiveness combined with a keen intelligence would at various times bring him to conflict with engineers, developers and environmental activists alike, represented the district's Berkeley ward, the one safe "environmental" seat. Stuart Flashman, a land-use attorney with long-standing ties to various environmental groups, filled the board's North Oakland seat. Katherine McKinney, a former schoolboard president with extensive public service experience, took the seat representing the districts southern-most Castro Valley ward. These three members — who together with Nancy Nadel, an environmental engineer representing West Oakland, gave the board a slim 4-3 environ-

mentalist majority — moved quickly to change the direction of the district, implementing such actions as revising the district's mission statement and undertaking a comprehensive review of the district's water needs.²³ The new board's toughest fight, however, would be over the Dougherty Valley development, and the environmentalist majority remained adamant not to service a development outside of its borders and whose anticipated demand would strain the district's ability to service growth within its boards.²⁴ The board opponents — among them the Dougherty developers — would charge board with being obstructionist and trying to unilaterally dictate the pace of growth, and filed suit to force a change of policy.²⁵

On June 14, 1993, San Francisco Chronicle columnists Philip Matier and Andrew Ross published in their column a damning series of allegation of profligate spending by the EBMUD board, including such items as the \$29,075 for bottled water and \$11,719 for "designer outdoor jackets from Eddie Bauer and L.L. Bean". The list had been provided to Matier and Ross by Richie Ross, the lobbyist hired by Shapell to aid the passage of SB 1250, which was then wending its way through the Senate.²⁶ The board members cried foul, saying that they were victims of a "smear campaign" and that many of the allegations were either false or misleading in that the board never directly approved such spending or were otherwise required to make the purchases under state law (as with the expense for bottled water).²⁷ The allegations continued for a brief period to make headlines, as long-time Alameda County Supervisor Don Perata called for a state audit of EBMUD expenses,²⁸ but for the most part the controversy had abated by the end of summer — abated but not completely disappeared, as the allegations would once again resurface at a critical time.

It was clear early on that development would be the main point of contention in the 1994 board elections, as it had been Nancy Nadel's 1992 re-election to the board

came against a developer-backed candidate.²⁹ Since Andrew Cohen's Berkeley seat was considered safe, the key races would be for Flashman and McKenney's seats and the key issue would be Dougherty Valley. "Don't let developers take our water," one of Flashman's campaign mailers urged. "My opponent [former Piedmont mayor Katy Foulkes] claims she's independent, but she parrots the developer line that Contra Costa County should make all the decisions on Dougherty Valley." For their part, Foulkes and McKenney's opponent, Frank Mellon, denied allegations that their votes had been "bought" by the Dougherty developers.³⁰ By all accounts, the vote remained close leading to the final weeks of the election.

Two weeks before the election, voters in Oakland and Castro Valley opened their mailboxes to find a glossy mailer with the headline "East Bay Municipal Utilities District. Leaking Money" along with the reprint of portions the Matier and Ross column of the previous year (but without including either original column's paragraph describing the source of the allegations or the explanations by the EBMUD board members). This was followed a few days later by a second glossy flier titled "The story unfolds", which again quoted from the Chronicle article. This second flier was followed by a third mailer, an official-looking "letter" from three "retired" EBMUD officials which charged that Flashman and McKenney "has made serious errors in judgment when managing rate payer money." This third mailing, which referred to the other two, again included a selected reprint of the Chronicle article. Each of the mailers, which never mentioned the incumbents' opponents by name, were attributed only "BIANC Eastern Division PAC".³¹ BIANC stands for the Building Industry Association of Northern California, a pro-development political action committee whose "Eastern Division" is headquartered in San Ramon. Campaign finance documents would later reveal that BIANC received nearly \$160,000 in mon-

etary and in-kind contributions from Shapell Industries and Windemere Ranch Industries, the two Dougherty Valley developers.³²

With just a few days before the election, there was little for the incumbents to do but hope that the resurfacing of the spending allegations would not prove too damaging. While it is impossible to gauge the efficacy of the BIANC mailings, both Flashman and McKenney lost their board seats, with Flashman's race settled by less than 200 votes.³³ Two of the four board members committed to opposing the Dougherty Valley development were seated. (Andrew Cohen, who retired from the board, was replaced by another environmentalist, former Sierra Club Water Committee chair Mary Selkirk.)

The new EBMUD board moved quickly to defuse the Dougherty situation. In June 1994, construction begun on a 622 acre parcel in the northwest corner of the valley known as "Coyote Creek" which reside within EBMUD's service area and thus avoided the central issue of the larger dispute.³⁴ Two months later, the board agreed on an out-of-court settlement in its suit against the Dougherty developers, which at that time was awaiting decision on before the State Appeals Court in the wake of the Allen decision. Under the terms of the settlement, the Shapell developers would make "best efforts" to seek an alternative source of water, with EBMUD guaranteeing service should no alternative supply be secured by 2002. Shapell then signed a deal with the Dublin-San Ramon Services District (DSRSD) to purchase rights to water from the State Water Project from the Berrenda Mesa Water District in Kern County.³⁵ Success of the Berrenda Mesa plan, however, is not guaranteed. Since its service area does not lie adjacent to the State Water Project's South Bay Aqueduct, DSRSD would need to reach an agreement "wheel" the water through the pipelines of the neighboring Alameda County Zone 7

Water District. But for the present, the Dougherty Valley fight had come to an end.

EPILOGUE

Two years after the settlement, the new EBMUD board is undertaking a review of the previous board's water supply plan, with the aim of drawing additional water from the American River. The Fair Political Practices Commission has not ruled on any of the complaints regarding campaign finance irregularities stemming from the 1994 EBMUD board election. DSRSD continues to negotiate a final "wheeling" agreement with Zone 7. But even without a final agreement as to its source of water, the construction continues in Dougherty Valley.

NOTES

¹ Local Agency Formation Committees, or LAFCOs, determine which city or sub-county agency has responsibility for planning issues for a given area. Under state law, each county must establish a LAFCO. William Fulton, *Guide to California Planning*. Solono Press, Point Arena, CA. 1991, 235-237.

² East Bay Express (EBE), September 3, 1993, 31. Shapell and Windemere later petitioned the county Board of Supervisors to expand the project to 15,000 units, but the board rejected the application on a 4-1 vote. *Contra Costa Times* (CCT), May 8, 1991, 6A.

³ "Petition for Writ of Mandate and Complaint for Injunctive Relief," *EBMUD v. Contra Costa County Board of Supervisors, et al.*, Contra Costa County Superior Court, no. C93-00235.

⁴ A suit brought by the cities of Walnut Creek, Danville, San Ramon and Pleasanton addressed these issues and was subsequently settled out of court. *Real Estate Monthly*, July 2, 1993, 7A.

⁵ "Petition," *EBMUD v. Contra Costa County*, p. 10.

⁶ *op. cit.*

⁷ The Williamson Act, also known as the California Land Conservation Act of 1965 (CA Government Code Sec. 51200 et. seq), allows cities and counties to contract with landowners "for the purpose of restricting the land to recreational or open space use (Sec. 51205)." William Fulton notes, however, that "farmland is dropping out of the program quickly on the suburban fringe," and this is exactly what has happened in this case. See Fulton, *ibid.*, p. 214, fn. 2. The Williamson Act contract on the Shapell-owned Gale Ranch expired in November 1991, and on the Windemere-owned Gumpert Ranch in April 1992.

⁸ The EIR covered both the specific Dougherty Valley Project and the General Plan Amendment required to allow the project to conform with the county General Plan. For clarity, references to the project or project EIR will also include the general plan amendment.

⁹ "Petition," *EBMUD v. Contra Costa County*, p. 11.

¹⁰ A later investigative report by the Contra Costa Times revealed that the two Dougherty developers had contributed nearly \$45,000 to various campaigns and groups affiliated with board president Tom Powers. The report also revealed that close associates of powers had been hired by Shapell and Morrison & Forester, Windemere's legal counsel. *CCT*, May 4, 1993, 1A.

¹¹ Contra Costa County and the two developers later sued the EBMUD board for failing to consider in the update of the district's 30-year plan the construction of a new reservoir in Contra Costa County. The new reservoir would ostensibly provide enough water to serve the Dougherty project. *San Francisco Chronicle*, December 4, 1993, C16.

¹² "Final Judgment Granting Petition for Writ of Mandate," *EBMUD v. Contra Costa County*, p. 2.

¹³ Senate Bill 1250, March 25, 1993, p. 1.

¹⁴ Fulton, *ibid.*, p. 236.

¹⁵ *CCT*, August 21, 1993, p. 3A.

¹⁶ An audit of Shapell's political contributions by environmental groups totaled Shapell's contributions for 1985-93 at \$487,411. The largest recipients were Senate President Pro Tem David Roberti (D-Van Nuys, \$77,300) and Assembly Speaker Willie Brown (D-San Francisco, \$29,350). Boatwright received \$5,500 during that period. Virgil Meibert, "The Dougherty Valley money trail," *CCT*, October 13, 1993, p. 14A. Other reports noted the extensive financial and political links between Shapell and members of the Contra

Costa Board of Supervisors, including Board president Tom Powers. Michael Hytha, "Powers has ties to Dougherty's builders, lawyers", CCT, May 4, 1993, p. 1A.

¹⁷ Senate Floor Analysis, SB 1250, September 2, 1993, pp. 4-5 ; CCT, May 4, 1993, 1A.

¹⁸ Meibert, *ibid.*, p. 14A; Dan Walters, "Developers marshal forces," *Sacramento Bee*, June 29, 1993, A3.

¹⁹ Senate Floor Analysis, *ibid.*, p. 1.

²⁰ Assembly Floor Analysis, AB 1288, June 20, 1994, p. 1.

²¹ From California Senate Gopher (URL: gopher.senate.gov.ca), AB 1003 Bill History.

²² See John W. Noble. *Its Name Was M.U.D. Oakland: East Bay Municipal Utilities District*, 1970.

²³ Kapellas, Jeff. "Environment Comes to EBMUD — The First Year," *Sierra Club Yodeler*, February 1992, p. 1.

²⁴ Cogan, David. "Behind the Great Contra Costa County Water Grab," *EBE*, September 3, 1993, 3.

²⁵ Ambruster, Ariel. "Suit says EBMUD blocks growth," CCT, December 3, 1993, 3A

²⁶ Matier, Philip and Andrew Ross, "Water district spent \$29,000 for bottled water," *San Francisco Chronicle*, June 14, 1993, p. A13.

²⁷ Stallone, Steve. "EBMUD board says they are smear victims," *San Francisco Bay Guardian*, June 23, 1993, 10; Matier and Ross, *ibid.*, A15; Stuart Flashman, "Look at what is behind the attacks on EBMUD," *Oakland Tribune*, July 15, 1993, A6.

²⁸ Ronnigen, Judy. "A Call for state audit of EBMUD costs," *SFC*, June 14, 1993, A13.

²⁹ Campaign finance documents showed that Nadel's opponent, Joe Camicia, received nearly \$30,000 in direct and in-kind contributions from a group called "Protect Our Water," an independent committee whose backers included Shapell Industries, the Tassajara Valley Property Association, developers of the nearby 7000-home Tassajara Valley project, and companies seeking to develop Gateway Valley in Orinda. Bill O'Brien, "The twisted trail of EBMUD campaign funds," *EBE*, October 21, 1994, 3. See also, Bill O'Brien, "East Bay water wars hit the ballot again," *EBE*, October 30, 1992, 11; Martin Halstuk, "Growth issue heats up EBMUD board race", *San Francisco Chronicle*, November 1, 1992, A13; Denis Cuff, "Nadel saves environment EBMUD tilt," CCT, November 5, 1992, p. 3A

³⁰ O'Brien, Bill. "Watershed vote for EBMUD board," *EBE*, November 4, 1994, 7.

³¹ CCT, November 4, 1994, 10A.

³² O'Brien, Bill. "New EBMUD board moved to accommodate developers," *EBE*, April 7, 1995, 3.

³³ Montclarion, November 25, 1994, p. 2.

³⁴ *San Francisco Chronicle* (East Bay Edition), June 22, 1994, p. A15

³⁵ *San Francisco Chronicle*, June 26, 1995, A1; *San Francisco Examiner*, August 3, 1995, A2; *San Francisco Chronicle*, August 9, 1995, A15.

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photo by Mike Shapiro

A Conversation With Hadley Roff

JD Snyder

Former Deputy Mayor of San Francisco and Aide to Senator Dianne Feinstein, Hadley Roff formally joined the staff of the San Francisco Urban Institute in May of 1995. The San Francisco Urban Institute, founded by a coalition of civic, business and university leaders, is a non-profit project of San Francisco State University that provides an umbrella for the University's urban projects.

A self-identified optimist at heart, Roff has been reporting on, or involved with, politics for more than forty years. Hadley Roff's resume includes a one-year stint at the San Francisco Housing Authority, and he has served as Deputy Mayor for four San Francisco Mayors. He has worked in the United States Senate, served as Media Director for the 1972 Muskie for President campaign, as Press Secretary for Edward M. Kennedy (D-Mass), and Staff Director for the Senate Subcommittee on Governmental Affairs. More recently, he worked as Clinton/Gore Deputy Director for Northern California.

I first met Hadley Roff at MUNI's (San Francisco Municipal Railway) Stakeholder Summit held in April of 1996. I had talked to Hadley on the telephone, and from our first conversation, he had my attention. Hadley Roff is not a "let's do lunch" kind of guy. He is accessible. In person, Hadley is just as amiable as he is on the telephone, and

most importantly, you get the feeling that Hadley Roff is sincere. With all his successes, and there are many, Hadley Roff is still a nice guy. A native Californian, Hadley was born in Fresno and grew up in Santa Cruz where he attended public schools. Hadley served as student body president in high school and upon graduation, was awarded a scholarship to attend Stanford University. He supplemented his scholarship by working part-time for small, local newspapers. After graduating from Stanford University in 1954 with a degree in journalism and political science Hadley worked briefly for a daily newspaper in Oregon. Hadley returned to San Francisco to pursue graduate work; however, a rare opening at one of the metropolitan papers offered him an opportunity he could not pass up. He left graduate school and spent approximately the next ten years working as a reporter for several different San Francisco newspapers, increasingly reporting on politics, which resulted in his working on political campaigns.

When asked if there was an event in his life that influenced his choice in career, Hadley shares that "I was an only kid and from the time I could remember, I've always been interested in politics and history. I can remember distinctly listening to the old Zenith radio in Santa Cruz, listening to some of Roosevelt's later speeches, especially

when I was about eight or nine when World War II broke out. Santa Cruz thought that it was going to be the imminent target for assault, and so I was very alert to all of the things that were said on the radio, the speeches. I've always been interested in politics, and particularly in political and American history."

Not shy about his partiality to the city, Hadley draws attention to San Francisco's dedication to civil and human rights. "Because the city itself is so diverse it offers a variety of issues, and because of its diversity, a great emphasis is on issues of civil rights and personal dignity." Although Hadley says that some mayors have been sensitive to the city's diversity, he recognizes that others have not. He assures us that the current administration is sensitive to the diversity of the city, and says that he is "heartened" by the new administration. Describing Mayor Willie Brown, Jr. as "bright", Hadley feels that Brown "has an intellectual reach in anticipating issues." Admitting that "many political figures, unfortunately, and especially as they advance politically to higher offices, close themselves off and adopt a hunker mentality," he notes that this is not the case with the current mayor. "Given just the physical demands of holding office as the mayor - there are so many issues, so many things pounding at you incessantly, and there is so little time to do what you want - when I heard that Brown was going to devote Saturdays to meeting with people who want to talk to him, I was encouraged." Hadley explains that "there's very little time to just sit back and reflect and just sort of noodle on the problems of the place;" he suggests that public officials "have to have an open mind to persons who may have had more time to think about a particular problem, or may have expertise in a particular area - whether it be crime or transportation, environment or any range of issues - many of which are just enormously

"Hadley Roff is not a 'let's do lunch' kind of guy. He is accessible."

complex. You want to surround yourself with very good people, keep your mind open to different viewpoints and different ideas, and from that be able to build some consensus that might advance an issue. I think that Brown has that capacity."

"This is also a very active city politically, comparable to Boston in the sense that San

Franciscans, to an extraordinary degree, are involved politically, or at least have an interest and follow politics. So you have a larger-than-average turnout at the polls, and very sophisticated, highly skilled groups across the political spectrum who address issues with a great deal of vigor and force. This town is very politically aware and very politically sensitive. The voter turnout has fallen some, but it is still higher than

it is in most communities. I'd like to see it much higher, but there is still a very high quotient of political involvement and that makes government more accountable. After ten years in Washington - I was there in the 70s - much of what you did was through delegations, or lobbyists, or other third parties, that came politely on schedule and sat and outlined their concerns... Here there's not an issue that's further than a rap on the front door. It's very immediate, and I think it's very exciting for those who are in city government."

When asked about the urban problems that San Francisco faces such as homeless, poverty and transportation issues, Hadley expresses concern about how cities are going to continue to be able to pay for services. Explaining that this is the single most urgent problem facing cities, Hadley tells us that San Francisco had at one point "a wonderfully flourishing, ever growing economy." Conceding that "things have changed," Hadley explains that "although the economy is strong, it isn't growing quite like it did twenty or so years ago. The economy isn't generating revenue at the same volume, and as a result it becomes tougher to sustain

needed services, and rigorous management is required to stretch the dollars further." Reminding us that "cities are affected by the national economy and by Congress," Hadley points to "drastic" reduction of concern, and funding to cities by the current Congress as being absurd, considering that "cities are where people are."

Citing San Francisco's extraordinary level of services, Hadley points out that 95% of all households in San Francisco are within two blocks of a MUNI stop. "The question is whether or not the city can maintain that, because obviously it's very costly to do so, and provide the fire and the police and all the other things that are vital to a city." Describing San Francisco as a "city that is blessed by its location," Hadley notes that San Francisco "has to maintain not only the adequacy of its municipal services, but also preserve the quality of life. The city is sophisticated. Its principal industries are financial and business services, such as lawyers, advertising firms, tourist business, and new businesses like multimedia firms. That puts pressure on us to have good schools; public schools have to be commensurate to the quality of employment, the quality of expectation in the city. In the population you have a large proportion of aging, and an increasing population of younger people. This puts pressure on the adequacy of medical services, and because we are still a mecca for persons around the world - we have a large immigrant population - putting additional burden on public health services. Also, we're faced with the AIDS crisis. Because it is such an attractive city, and because its principal industries are largely white-collar, living costs here tend to be high; it's difficult to find available low-cost decent housing available. What housing is available in this capacity is precious in terms of its value."

Granting that there are "a lot of pressures and it's a continuing struggle," Hadley discusses steps being taken to address the urban problems facing San Francisco. "I think the Economic Summit in which San Francisco State University played a very sig-

nificant part... was an unique exercise, and I don't think that it's ever happened before (not to my recollection) - bringing diverse elements of the city that have essentially been polarized, labor, business, non-profits, community activists together simply to explore the possibility of finding common ground to move the city forward in terms of creating jobs, stabilizing the economy. I think the Economic Summit was a very constructive step." (Mayor Brown held the Summit in San Francisco at the Fairmont Hotel on April 16-17, 1996.)

"Similarly, on a smaller scale, the MUNI conferences (sponsored by the San Francisco Planning and Urban Research Association and the San Francisco Urban Institute) has helped bring a diversity of people together to examine, in common, what the issues are... to explore together where consensus might be achieved and services improved. I think we're going through a very positive period in the city - a general examination of how city services are delivered, how they can be improved, and how they can be delivered most cost-effectively."

Aware that there are no easy answers, Hadley mentions that "this city dismisses the kind of simplicity of the so-called Matrix Program for dealing with the homeless, which really offered more of a public relations gesture than a solution. I think there is general approval that it was abandoned." Hadley, aware that a large number of San Franciscans, despite all the sophistication and despite all the jobs, are but a paycheck or two away from homelessness themselves, maintains that "everyone can feel the anxiety of homelessness, and because the city is compacted into 49 square miles, there's not a person in the city that doesn't look into the eyes of a homeless person on a daily basis, and I think that many San Franciscans say, 'there but by the grace of God...'" adding that "the appeal of our new Mayor is that there seems to be an awakening, a new quest, to find some results for some of these issues."

Hadley reminds us, once again, that San Franciscans have an unusual sense of compassion, an unusual sense of willingness to resolve, or at least, relieve these situations. "One of the great assets of the city is the range of non-profits, charitable, and religious groups that are actively involved in the community. The non-profits have pioneered a lot of the housing development - thousands of units have been built or reconstructed. There's great efforts in the Mission district by a number of non-profits that were really attractive. Also, we've got a remarkable example at Delancey Street which is totally self-supporting, not supported by government. They built a beautiful complex on the Embarcadero basically from so-called sweat equity; residents of the program, and participants of the program, did most of the work under skilled supervision of craftsmen. They built an absolutely gorgeous facility. Anybody would swell with pride living there." Saying that "this city seems to have a great social awareness, a social conscious," Hadley returns to the subject of the Economic Summit, mentioning that many of the participants "perceive a widening gulf between the have and the have-nots, between the very rich and the desperately poor, and they don't want the city to be in a permanent divide, a condition they know can only intensify a whole host of problems." When asked to predict the future of San Francisco, he said that "no one really knows," but goes on to say that he thinks "we're going through a very posi-

tive period in the city - a general examination of how city services are delivered, how they can be approved, for the first time, even just bureaucratically within the administration of the city. For example, Hadley states; "Commissions that usually meet separately, each pursuing its own course, are now meeting together to see where services can be combined, where activities can be consolidated, and how to hold the line on cost while advancing the quality of services."

"I feel this relentless effort to never give up. There seems to be a sense that this city has to maintain a sort of balance - economic growth and sensitivity to those issues that contribute to the quality of life whether it be the environment or the preservation of views, the heritage of the city of caring for those who are in need. There are not magic solutions to urban problems, and the city keeps working at advancing, maybe taking small steps, but there's that progressive zeal here that seems undiminished." Although Hadley acknowledges that at times the diversity of San Francisco residents may also create tensions, he thinks that "this is a city that is conspicuous by a remarkable humanness. People are concerned about one another. Here people aren't as anonymous as they seem to be in other cities." Self-conscious of the fact that he is beginning to sound "like a Chamber of Commerce advertisement," Hadley concludes that "there's a lot of adventurous and creative activity in San Francisco."

JD Snyder is a junior in the Urban Studies Program. Upon graduation she hopes to continue working as an advocate for disadvantaged people and communities. JD has an extensive background in community outreach and advocacy and is currently involved in efforts to preserve affordable housing in the Bay Area.

San Francisco's Immigrant Poor and Welfare Reform

Eduardo Cabrera

Under the recently-enacted Federal Welfare Reform Law non-citizen immigrants will be denied benefits such as Social Security, food stamps and other forms of public assistance. This paper profiles welfare use by non-citizen immigrants, the impact these changes will have on San Francisco's immigrant population and examines various mechanisms that could be used to assist this group.

INTRODUCTION

The *Welfare Reform Act*, signed into law on August 22, 1996, redirects federal funds for public assistance from the counties to the states in the form of block grants.¹ Then, states decide how to allocate these funds to their counties. To a certain extent, state governments have always had control over their local counterparts.² However, as the Republican Congress continues to return power back to the states, *Welfare Reform* serves to substantiate the fact that this movement's successes have come largely at the expense of our urban poor. This movement has also prospered by taking advantage of people's fears, specifically those which are directed at our immigrant communities. Focusing on *Welfare Reform* and its *Title IV* immigrant provision, under the rubric of this shift of power to the states, I will discuss options that could be employed to positively affect San Francisco County's poor immigrant community.

WELFARE REFORM'S TITLE IV: A UNIVERSAL CONCERN

Known as *Title IV of the Welfare Reform Law*, this provision not only excludes most non-citizen immigrants from receiving public assistance, but reveals the law's

overarching scope.³ While greatly affecting our poor urban immigrants, *Welfare Reform* will undoubtedly impact all our urban sectors. In fact, absent any corrective action, (1) our public (local government) sectors may be forced to diminish their already dwindling general funds to accommodate their now displaced citizenry; (2) our non-profit sectors will be expected to pick up the slack where the public fails to provide adequate "safety net" services; and (3) our private sectors will be pushed to contribute further financial support to make this transition as politically and fiscally smooth as possible.

Nevertheless, what should be of great concern is not whether corrective action will be taken, for most urban political climates will not tolerate inaction, but rather if our poor immigrant community will benefit from that action. *Title IV* is particularly disconcerting when it comes to this concern. In an attempt to address a particular urban social problem, it can serve as yet another legal justification for perpetuating the deeply rooted historical cycle of scapegoating our immigrant population.

In addition, because this provision reflects society's view in that it does not distinguish between *legal* and *illegal* immigrants, seeing both groups as a problem, making this clear distinction would better

frame this profile. Unlike *illegal* immigrants, *legal* immigrants have the proper documents and alien registration to be in the United States. This law moves us from an ideal of taking certain responsibility for both groups' welfare to an ideal where only U.S. citizens (who have the potential to vote) are cared for. Hence, any corrective action taken with the welfare of our immigrants in mind should do the opposite. In my opinion, this action should, at worst, avoid entrenching society's anti-immigrant mindset, and at best, educate the public so that this distinction is acknowledged and we take a small step away from scapegoating our immigrant communities.

WHICH IMMIGRANTS USE WELFARE AND ARE THEIR RATES OF USE RISING?⁴

Title IV is premised on the assumption that welfare use by immigrants is widespread, growing rapidly and concentrated among the undeserving. This assumption begs the question, *Which immigrants use welfare and are their rates rising?*

To understand immigrant use of welfare, it is critical to disaggregate the immigrant population in several ways: by immigration status, by age, by time of entry to the U.S., and by income level.

In the first place, poverty and benefits use is far more heavily concentrated among immigrants who are *not* citizens than among immigrants who have naturalized. This owes in large part to the two groups' economic standing: 10 percent of naturalized citizens live in poverty versus 29 percent of non-citizen immigrants.

Further, welfare use is concentrated among two groups of immigrants: elderly immigrants and refugees. Taken together, refugees and elderly immigrants make up 21 percent of immigrants, but account for 40 percent of all immigrant welfare users. *Elderly immigrants* represent 28 percent of the

SSI recipients aged 65 and older but only 9 percent of the total elderly population. *Refugees* are also significantly more likely to use welfare than the rest of the immigrant population (13.1 percent versus 5.8 percent). This higher rate of use owes to the fact that refugees are thought to be fleeing persecution, have fewer economic or family ties in the United States than other immigrants, and often suffer physical and mental impairments. As a consequence, Congress has exempted refugees from the public charge provision of immigration law and made them eligible for benefits upon arrival. In fact, there is substantial overlap between elderly and refugee benefits use as refugees account for 27 percent of immigrants over 65 who receive public benefits.

Welfare use among *working-age immigrants (18-64)* who did not enter as refugees is about the same as for natives (5.1 versus 5.3 percent).

However, welfare use within this population appears to have risen in recent years as four years earlier their rate fell below that of natives (2.5 versus 3.7 percent). This rise may be attributable to the fact that the 2.6 million immigrants who legalized under the Immigration Reform and Control Act (IRCA) of 1986 have recently become eligible for benefits. Furthermore, the immigrant population was especially hard-hit by the recession in the early 1990s, in part because such a large share lives in California. Another source of increased welfare use among working-age immigrants is rising immigrant receipt of SSI disability assistance.

Looking beyond cash benefits, a 1995 Congressional Research Service study found that the foreign born are no more likely to use food stamps or Medicaid than the native born. In each instance, higher levels of use among non-citizens was offset by lower usage of naturalized citizens.

While the current debate suggests that immigrants are inclined to welfare depen-

"In an attempt to address a particular urban social problem, it can serve as yet another legal justification for perpetuating the deeply rooted historical cycle of scapegoating our immigrant population."

dency, *immigrants who are poor* remain substantially less likely to use welfare than natives below the poverty line (16 percent versus 25 percent).

San Francisco is no exception. The percentage of native (White and Black) households receiving public assistance in San Francisco in 1990 was also more than that of immigrant (Latino and Asian Pacific Islander) households (32 percent versus 29 percent).⁵

SAN FRANCISCO: FACING CUTS IN GOVERNMENT AID TO IMMIGRANTS

In California, reactions to Welfare Reform will undoubtedly be influenced by the state's anti-immigrant sentiment. The recent passage of Proposition 187 is evidence that the state is implementing policies to further limit immigrant rights.⁶ Moreover, that the catalyst for this sentiment, Governor Pete Wilson, remains in office is evidence of the public's continued approval of this scapegoating. Hence, counties with significant numbers of immigrants receiving public assistance, like San Francisco, should expect to be impacted the most.

The law mandates that legal immigrants be barred from receiving Supplemental Security Income (SSI) and Food Stamps. They will be ineligible "after a transition period of up to one year after the law is enacted." (Riley 1996) In addition, because the state has the option of barring them from TANF (Temporary Aid to Needy Families formerly AFDC), Medicaid, and other social services, the impact to counties such as San Francisco could be enormous.

While San Francisco's 15,000 elderly or disabled immigrant clients are on the verge of losing their "Social Security and disability incomes of \$650 per month, plus in-home supportive care," (Christensen 1996) the city's Director of Public Health foresees another disaster. Dr. Sandra Hernandez predicts that "\$93 million a year in MediCal reimbursements in both the private and public sectors could be lost, affecting 26,000 legal immigrants." (Gordon 1996)

The major implication of this immense county impact is that the counties' role as the "safety net of last resort" will be undermined absent any corrective action.

SAN FRANCISCO'S 'SAFETY ZONE' RESOLUTION: A VITAL FIRST STEP

The San Francisco Board of Supervisors unanimously approved a packet of legislation on December 9th, which included a resolution making San Francisco an immigrant *Safety Zone*.⁷ The legislation's provisions are as follows:

- San Francisco is declared a "safety zone" for immigrants, making The City treat all people equally regardless of their immigration status. For example, non-citizens - including illegal immigrants - will not be denied social service and health care benefits in San Francisco. But the law will not force The City to pick up the tab if the state or federal governments cut benefits to certain immigrants. In addition, city employees, including cops, will not be penalized if they don't ask people about their immigration status.

- The legislation provides translators for non-English speakers at meetings of the Board of Supervisors and its committees. Requests for the interpreters must be made at least 48 hours in advance. The City will seek the help of community volunteers and city workers to translate the proceedings for free. As a last resort, translators will be hired, with the cost ranging from \$50 to \$200 an hour. Supervisors approved an amendment requiring the board to review the matter if the cost exceeds \$20,000 in a one-year period.

- The legislation also makes it policy to use city resources to help immigrants become citizens.

- And finally, the legislation urges the Police Department to develop a plan to combat hate crimes against immigrants, and asks the Human Rights Commission to address what advocates see as growing violence and discrimination against immigrants.

San Francisco has endeavored to provide a *safety net* for all immigrants no longer eligible to receive public assistance. But the fact that the Safety Zone resolution states that San Francisco is not bound legally to pay the costs of providing these discontinued benefits raises serious questions as to its efficacy. Alternative policy options that are politically, economically, and administratively feasible for the city, and technically viable for these immigrants, should be developed⁸ and will presumably be explored. Perhaps such options could eventually extend to include future immigrants seeking aid, especially now that the city is using their *Safety Zone* status as an additional evaluation mechanism.⁹

PUBLIC AND PRIVATE ORGANIZATIONS: INACTION IS NOT AN OPTION

Although looming welfare reform cuts have prompted city officials to begin exploring various contingency plans, the city has yet to enact a substantial policy that attempts to counter these cuts in aid to immigrants. The California Legislative Analyst's Office's (LAO) projections for 1996-97 through 1998-99 indicate that "budget shortfalls will reemerge, absent corrective action" (LAO 1996). This forecast of a "serious budgetary imbalance" (LAO 1996) is due in part to the prediction of state expenses coming from welfare reform.

For example, with regard to implementation of federal welfare reform, our estimates imply that increases in funding for welfare-to-work programs, or other initiatives, would need to be financed from budgetary savings. Any increased funding for local governments or tax reductions would have to be financed similarly. Lastly, it is important to emphasize that our projections are predicated on continued moderate economic growth, with no significant economic slowdown or recession in the

next few years, and also embody various assumptions regarding program costs and federal funds. Our projections imply, however, the state would have no meaningful reserve to cushion against unanticipated cost increases or shortfalls in revenues or federal funds (LAO 1996).

Additionally, the President and CEO of San Francisco's Chamber of Commerce, Rhea Serpan, believes that the effects of welfare reform is "not an issue to be dealt with by government alone" (Christensen 1996). She goes on to state that "this is not an economic issue, but carries an enormous humanitarian impact... and will take a commitment from business, nonprofits, education, and labor to work together to preserve the city's economic vitality" (Christensen 1996).

Although traditionally business perspectives such as this one tend to be out of step with that of public agencies, their coming together on this issue warrants action from all public spheres.

ENCOURAGING CITIZENSHIP: SAN FRANCISCO'S DEPARTMENT OF SOCIAL SERVICES

San Francisco's *Eligibility Workers* at the Department of Social Services currently inform and assist non-citizen clients interested in applying for citizenship. Assistance is in the form of basic referral services. There is, however, no policy mechanism to strengthen and guarantee such services to immigrants because of limitations associated with the typical government bureaucracy.

A policy encouraging naturalization through city government is both politically and economically feasible. Politically speaking, it shows San Francisco's primarily liberal voters that city officials want to take responsibility for its immigrant population. Moreover, "if these new citizens register to vote in large numbers, many political experts believe the Democrats will be the prime beneficiary." (Verhovek 1996)

Economically speaking, increasing the responsibilities of Eligibility Workers to include encouraging naturalization will not result in an increased cost to the city. In fact, what has proven to be any measure's most costly component, the "Public Relations," is already in place for this option. Most legal immigrants in California arguably have the desire to become U.S. citizens, and the increases in U.S. citizenship applications statewide serve as illustration. The state's growing anti-immigrant sentiment, and the publicity and passage of measures like Proposition 187 and Welfare Reform, have provided an added impetus for citizenship.

But more than any other single event, say many people who work with immigrants or study immigration issues, the passage two years ago of Proposition 187 in California has spurred many immigrants to exercise their legal right to apply for U.S. citizenship.

"When 187 passed, it sparked a lot of concern all over the country," said Maria Jimenez, director [sic] of the immigration law monitoring project [sic] for the American Friends Service Committee, which provides services to immigrants. "Let's say it was sort of the bell that woke up the sleeping giant..."

Now there is another, possibly even louder bell: the welfare law that President Clinton signed (Verhovek 1996).

Immigrants do, in fact, need help getting through the actual application process. Harry Pachon, former President of the National Association of Latino Elected Officials (NALEO), believes immigrants want to become citizens but are hampered by the process. He writes, "20% of Latino applicants are turned away by individual INS officers... Fully 30% of all immigrants do not attain citizenship when they first apply... [and] only one of two reapply."

The complexity of the INS form also presents an obstacle [and] the nature of the exam is also arbitrary (Pachon 1994).

While being politically and economically a feasible alternative, encouraging

naturalization through city government has its limitations. It may be addressing the symptoms and not the problem. In this case, lack of citizenship status is the symptom, or cause, of immigrant client ineligibility. However, lack of money, food, and health care are the problems they face. And because only "immigrants who have lived in the United States for five years with proper certification are eligible to apply for citizenship," (Verhovek 1996) this policy option also excludes clients that are more recent immigrants. In addition, it fails to take into account the time frame a client will spend without any public assistance while he/she is waiting for the citizenship application to be processed. This is a time period of at least one year, barring the applicant did not apply properly nor did so while still ineligible.¹⁰

Excerpts from the following interview illustrate the kinds of bureaucratic entrenchment and policy limitations of increasing citizen applicants at the county level.

AN ELIGIBILITY WORKER'S PERSPECTIVE¹¹

Positives

"Logically, clients will be able to get back on aid if they become citizens. This policy would also let clients know more about the United States, in general. They'll know they have the right to vote and have a voice. They can relate to this country more and appreciate the aid to the poor."

Negatives

"Since the early '80s, up to now, there has been a lot of illegal immigration into this country. This option leaves them out. Up to now, people have not been cut off of food stamps. Changes will come in January. A great majority of those clients are children and families. Many of these children were born in another country and are here illegally and not getting benefits. This policy is indirectly dealing with the problem. We already refer clients but we are not required... It's implied. Also, immi-

grants have been encouraged, from all sides, to apply. Honestly, this regulation won't do much. I mean, if immigrants want to become citizens, they'll find the way."

Administrative Feasibility

"The way our job is being set up, there is no time to add new responsibilities. The new changes, even if they seem minor, involve a lot of work, especially if they [the clients] don't speak, fluent, the English language.

Social Services and INS are completely two different entities. In the future, we may be forced to become INS informants."

Improving This Option

"I think eligibility workers need to go through some type of training to convince people it's [becoming citizens] to their benefit. Eligibility workers will refuse to do anything else without some kind of incentive. Giving cash incentives would help. Also, workers should be provided with the checklist and the new paperwork... At times, the worker is the only person they [the client] can trust... that they can tell anything to, without fear of being reported or deported. People need people like themselves to relate to."

NONPROFIT ORGANIZATIONS AS KEY PLAYERS

San Francisco can also set aside or earmark a certain percentage of existing General Fund Revenue to allocate to non-profit organizations (NPO's) and programs that specifically assist immigrants no longer eligible for public assistance. Interested NPO's could submit a grant proposal to the city in order to be considered as a possible fund recipient. Ideally, NPO's that best service these immigrants would receive funds.

Funding NPO's through the General Fund would be politically feasible. First,

the city does not have to convince the public to provide new funding because it can come from existing General Fund Revenue. Second, since the city's political community cannot be expected to be effective and coherent when dealing with welfare reform alone, especially when the federal and state government are not providing any safety net, "it makes sense to assign activities and resources to the social sector" (Knowlton, et al. 1996).

This option would also be technically feasible. Money allocated is assured to go toward the funding of programs to assist poor immigrants. What makes this alternative attractive is the very fact that the NPO's are expected to provide service where the government fails to do so. The city is paying for re-

sults.

This option proves to be politically and technically feasible, largely due to the important role and level of responsibility the NPO's undertake. However, *economically*, the city can, at best, be unsure as to whether it is a feasible alternative. San Francisco is already facing budget shortfalls of at least \$100 million for FY 1997-98. Funding cuts to the City's departments will be implemented simply to balance the city budget. General funds used for one purpose would have to be diverted from that to accommodate the post-Welfare Reform budget for public assistance. It therefore becomes even more difficult to speculate whether San Francisco has the General Fund Revenue to increase funding for NPOs.

Presently, there is a struggle occurring between California and the federal government. Governor Pete Wilson wants to implement Welfare Reform's immigrant provisions immediately, while President Bill Clinton wants to provide as many safety-net measures, on the federal level, prior to state implementation of the law.

"The city's political community cannot be expected to be effective and coherent when dealing with welfare reform ... especially when the federal and state government are not providing any safety net."

In the first major showdown between Washington and Sacramento over welfare reform, the Clinton Administration moved quickly yesterday [22 September 1996] to keep the state from cutting food stamps for nearly 400,000 legal immigrants.¹²

Due to this indefinite hold on implementation, the city cannot be certain when and how such reform will begin to affect city coffers.

SAN FRANCISCO'S WELFARE TASK FORCE

Mayor Brown has said he will appoint a task force to study implementation of the [welfare] laws, something other counties already have done. Alameda County, for example, has a 124-member welfare reform design team.¹³

If a certain number of members on San Francisco's Welfare Task Force design team are immigrant advocates based in the city, we could expect more of an emphasis on problem solving from the immigrant advocacy perspective.

Designating positions to immigrant advocates will insure that, as the city creates a plan on how to manage the changes due to Welfare Reform, the interests of immigrants are taken into account. It will also forge personal ties between the city's advocates and city government, which may be an important first step toward formulating future safety-net partnerships. In fact, one guiding principle of policy formation on this matter is to provide "a safety net for immigrants and sponsors if they fall on hard times and require... assistance" (Fix, et al. 1996).

CONCLUSION

Although San Francisco is unique in that it has already taken the first step in providing a safety net for poor immigrants who will be displaced by welfare reform, better alliances between public spheres must be explored and strengthened for the

city to face the impending human hardships and budgetary shortfalls which will result from changes in the welfare system. Nonprofit advocacy will play an integral part in the formulation of public policy, providing that consensus through coalition-building and public/private partnerships are forged.

More importantly, however, the public must be educated. Instead of scapegoating immigrants, thereby dehumanizing individuals with the stereotypes used in today's political rhetoric, a campaign to counter the divisive tactics employed by the Wilson administration must be mounted. Only then can realistic and rational proposals become politically viable. By making public education a major component of this transition, we (the local government, businesses and nonprofit organizations) may also influence neighboring counties and eventually begin overturning the tide of anti-immigrant sentiment in California, a sentiment reflected in the assumptions of welfare reform.

Notes

¹ By issuing these funds via block grants, the federal government gives a lump-sum amount, as it shifts responsibility of funding county programs, to states.

² In fact, pre-Welfare Reform, when states acted only as distributors of county welfare funds coming from the federal government, they still controlled the amount certain counties received by manipulating other county monies they did have control over.

³ For a detailed summary of Welfare Reform's Title IV Provision, refer to the American Public Works Association (APWA) home page on the World Wide Web.

⁴ All data in this section excerpted from testimony before the U.S. Senate Subcommittee on Immigration, 2/6/96. Available at <http://www.urban.org/testimon/fixtest.html>

⁵ Pinderhughes, Raquel, et al. *The LATSTAT Report: Poverty and Social Inequality in San Francisco*. San Francisco State University's Urban Studies Program. 1995.

⁶ Prop 187 is widely viewed as being an anti-immigrant measure.

⁷ *San Francisco Examiner*, 10 December 1996, A6.

⁸ Patton, Carl V. and Sawicki, David S., *Basic Methods of Policy Analysis and Planning*, 2nd ed. Prentice Hall. 1996, 208-219.

⁹ *San Francisco Examiner*, 10 December 1996, A6.

¹⁰ When the author applied for naturalization a few years ago, one year passed before he officially became a U.S. citizen.

¹¹ This statement was compiled after an informational interview in December, 1996. The interviewee has been an Eligibility Worker for the County of Santa Clara for over 5 years.

¹² *San Francisco Chronicle*, 20 September 1996, A1.

¹³ *San Francisco Examiner*, 30 September 1996, A14.

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photo by Chris Rath

Using Policy Analysis in Judicial Decision-Making

Ken McDouall

The canon of traditional judicial thinking, that judges use logical deduction and application of the law in their decision making power, is contrary to the reality that they often go beyond these rules of jurisprudence. In the process of defining the law, judges rely on extralegal information such as social science data. In so doing, their decisions often lead to the formation of policy or a shift in the prevailing moral climate. This paper explores the connection between judicial decision-making and formation of policy and offers a model for using policy analysis techniques in the judicial process.

INTRODUCTION

"The life of law has not been logic: it has been experience. The felt necessities of the time, the prevalent moral and political theories ... have had a good deal more to do than the syllogism in determining the rules by which men should be governed."¹ When Oliver Wendell Holmes uttered these words, he was announcing a radical departure from traditional judicial thinking. Through the 19th century and well into the 20th, law was thought to be a rather mechanical process of applying rules and logic to particular fact scenarios. But Holmes and a number of other jurists in the school of legal thought labeled "sociological jurisprudence" recognized that judges invariably reach beyond the letter of the law and the process of logical deduction to arrive at decisions. Indeed, the very notion of decision implies choice—a mere mechanical application of legal formulas could scarcely be termed a "decision." Yet our jurisprudential heritage of a hundred years past still clings to discussions of judicial philosophy today. Judges are still wont to take great pains to insist that their decision-making power does not constitute the formation of policy, since to do so would be to leave the judicial world of "application of law" for the legislative world of "creation of law." Though these discussions continue,

they occur for the most part in the abstract. In the real world of judicial decision making, judges go about the business of making policy, as they always have.

This report will examine briefly the varieties of judicial policy-making and the means by which social policy information is introduced into these processes. Finally, the potential application of policy analysis techniques to the judicial process will be discussed, with a view towards utilizing these techniques to bring a more objective assessment of policy information to judicial decisions.

METHODS OF JUDICIAL POLICY-MAKING

Policy is created at both the trial and appellate court levels of our court systems, in both state and federal jurisdictions. Though the trial courts (in federal jurisdiction, the U.S. District Courts) are often referred to as the "courts of fact" and the appellate courts (in federal jurisdiction, the U.S. Circuit Courts of Appeal and the U.S. Supreme Court) as the "courts of law," the distinction is actually somewhat meaningless. Theoretically, the trial court disposes of all evidentiary matters and conducts a trial based on facts presented to the court. Upon appeal, the appellate judges are generally

required to accept the factual determination of the trial judge and rule strictly on matters of law. In practice, appellate judges inevitably bring to their decisions an interpretation of the facts of the case. "Although they are confined to rulings as to law, their interpretations of the rules may be rooted in unstated assumptions or interpretations of the facts. They are not, in practice, courts of review of 'Pure law'"² As another observer less delicately stated, the "seemingly rigid dichotomy of law and fact is only a bit of legalistic mummery designed to conceal from the uninitiated the fact that the courts decide these questions about as they wish."³

The relation between law and fact in the judicial process is actually a dialectical one, and the two cannot be separated.

The determination of applicable law will depend on the facts of the case, but applying the law will give rise to consideration of new facts. Such consideration may well result in the creation of new law. This is the essential dynamic by which courts create policy, and it is an essential characteristic of law that is relevant to social reality, as opposed to authoritarian recitation of dogma.

Thus both the trial judge and the appellate judge will make decisions that result, to greater or lesser degree, in the formation of policy. On the trial level, these decisions will arise in the context of what evidence to rule admissible, what witnesses to be allowed to testify, what lines of questioning to be permitted, what form of jury selection to take place—and, of course, in the decision of the case itself. In the judicial hierarchy, though, it is generally appellate judges that have their opinions published in the case reporters, and thus it is on this level that we find the enunciation of law that has broad sweeping policy implications.

Undoubtedly the most powerful form of policy formation in the judiciary arises in the process of judicial review, whereby a statute passed by legislation (or initiative) or an

administrative regulation can be reviewed as to its constitutionality. It is here that policy information is perhaps most crucial, because a legislative act that infringes upon constitutional rights (or at least what are perceived as constitutional rights) must be found to serve a "compelling" government interest to be legitimate. The process of interpreting the

Constitution provides an enormous opportunity for creating policy. As legal scholar Alexander Peckelis stated, "to say that compensation must be "just," the protection of the laws "equal," punishment neither "cruel" nor "unusual," bails or fines not "excessive," searches and seizures not "unreasonable," deprivation of life, liberty or property not "without due process," is but to give a foundation to the lawmaking, nay

constitution-making, activity of judges, left free to define what is cruel, reasonable, excessive, due, or for that matter, equal.⁴

At times, the process of judicial review has resulted in the creation of "rights" that didn't previously exist in the Constitution. For example, during the Supreme Court's "laissez-faire" period, from approximately 1890 to 1937, literally hundreds of state and federal statutes were struck down as unconstitutional. In many cases, the "right" being protected was a due process right to protection of property and liberty of contract that the courts found in the 14th Amendment, used to protect industry from social welfare and labor legislation. That the 14th Amendment was written to protect freed slaves from racial antagonism didn't stop the courts from applying it to protect free enterprise (and preserve corporate profits), a sweeping policy initiative that stifled urban reform for decades.

Closely related to the power of judicial review is the process of balancing constitutional rights. Judges are often called on to determine whose right is the most "compelling," and to decide whether particular rights might be "chilled" by their restriction in a

"Judges are still wont to take great pains to insist that their decision-making power does not constitute the formation of policy..."

particular context. Thus, for example, the rights of anti-abortion protesters to express their views might be balanced against the rights of women to legal abortion (another right, by the way, created by the power of judicial review).

A less dramatic mode of judicial policy-making occurs in the context of interpretation of statutes. Legislation, written primarily by lawyers, can tend to be confusing at best and downright obfuscatory at worst. It is the task of the courts to determine precisely what was meant when a particular law was written. Thus, the meaning of a single word may have broad policy implications. The interpretation of a recent child pornography law, for instance, turned on the application of the word "knowingly" as it applied or didn't apply to two subsequent subsections in the law. The Supreme Court decision was split 7-2, and the outcome, for all practical purposes, meant that prosecution of distributors of child pornography would be made much more difficult.

In rather rare instances, courts have given themselves the power to actually rewrite laws. Thus, in a recent California Supreme Court case involving a campaign finance reform initiative, the court went to great lengths to justify its power to "correct" defects in an initiative that had passed by direct vote in order to render it constitutional. In this case, the court declined to rewrite the law, but its reservation of this power can be seen to have enormous potential policy impacts—depending on which laws will be deemed worthy of being "corrected."

Apart from constitutional law, the courts have traditionally had great power to create policy in the form of "common law"—that is, judge-made law as opposed to codified law. The courts in California, for instance, created a dramatic change in employment law in the 1980s when they began to recognize the theory of "implied contract" in employment. Thus, employers who thought they maintained the power to discharge their employees at will, suddenly found that they could be liable for breach of

contract if the dismissal wasn't justified by good cause. The reach of common law is extensive, and is one of the prime powers of the judiciary to create equitable remedies to novel situations.

To these examples should be added a broader form of policy creation—that is, the "moral-pedagogic function" of law.⁵ Even when judicial decisions don't directly affect policy, they may create social change through a normative/cultural shift in thinking.

SOURCES OF JUDICIAL POLICY INFORMATION

The use of information supplied by the social sciences in the creation of judicial policy can be traced back to the revolt against "legal formalism" in the early part of this century. It was at this time that reform-minded jurists began demanding the use of relevant social data in the judicial process, probably as a reaction to the excesses of the Supreme Court during its *laissez-faire* period.

Ironically, it was the Supreme Court's prolific destruction of social welfare legislation that led it originally to recognize "legislative facts" in its deliberations. Prior to the *laissez-faire* activism, the Court kept recognition of any form of "extralegal facts" to a minimum. But in striking down legislation, the Court needed to at least acknowledge the legislative findings of fact on which the statutes were based. In practice, such findings were usually dismissed as inconsequential, and a legislative act could be simply declared "unreasonable" in spite of any facts to the contrary. At times, the Court even substituted its own version of the "facts," as it did in nullifying a Kentucky graduated sales tax in 1935 by proposing its own economic theory of the effect of gross sales on profits. But more often, the Court merely relied on its own conception of social reality without any resort to factual justification. The useful device of "judicial notice" allows judges to recognize any facts of "common knowledge," outside of the nor-

mal evidentiary procedures. Thus in 1905, for example, the Court struck down a New York statute that would have limited bakers to working 10 hours per day or 60 hours per week. The decision was based not on any factual investigation, but on "the common understanding that the trade of baker has never been regarded as an unhealthy one."⁶ As the reformist legal scholar Roscoe Pound noted at the time, the Court operated through "the rigorous deduction from predetermined conceptions in disregard of and often in the teeth of the actual facts..."⁷

It may be argued that the Court was not so much recognizing legislative facts as it was purposely ignoring them to institute its own Social Darwinist economic philosophy. Nevertheless, in undertaking the assessment of the "reasonableness" of laws, the Court opened the door to consideration of extralegal information, and reformists took notice of the opportunity to educate the justices.

If legislative findings were one potential source of policy information, another was developed within the context of adjudication. Louis Brandeis, later a Supreme Court justice, pioneered the use of social science data in appellate briefs. Now dubbed generically the "Brandeis brief," the argument therein relies less on legal authority than on research findings from sociology and psychology. Brandeis first used such a brief in arguing Muller v. Oregon, where he sought to sustain an Oregon statute limiting the hours of factory work for women. That the Court ultimately agreed with Brandeis, however, may not have been due so much to the persuasiveness of his sources as to the predilections of the all-male Court in finding "obvious" physical differences between the sexes and seeing the need to "preserve the strength and vigor of the race" by protecting women (and their reproductive functions) from overwork.

In any case, the use of social policy data in briefs became an established practice, and later such information was increasingly brought forth at the trial level

through the use of expert witnesses. Reliance on data from the social sciences became enshrined in the Supreme Court's 1954 decision in Brown v. Board of Education—a decision that had no lack of critics. Many argued that the courts should go no further than to recognize that the legislature had some basis in fact for its decisions—the validity of those facts was immaterial. Edmond Cahn, for instance, argued, "It is one thing to use the current scientific findings, however ephemeral they may be, in order to ascertain whether the legislature has acted reasonably in adopting some scheme of social or economic regulation; deference here is shown not so much to the findings as to the legislature. It would be quite another thing to have our fundamental rights rise, fall, or change along with the latest fashions of psychological literature."⁸

The distrust of the empirical findings of social science is probably a major impediment to the increased use of such data by the judiciary. This distrust has its roots in the divergent orientations of social science and jurisprudence. Judges are trained in the casebook method, in logical deduction from established premises, as opposed to empirical induction from observed phenomena. Moreover, law deals with political values enshrined in a system of precepts. "Since science begins with skepticism, it inevitably comes into conflict with political truths."⁹ Science in a sense is politically subversive. Law is the keeper of the faith. In addition, law focuses on the individual, though its effects reach social behavior. In disregarding social science evidence in a civil rights case immediately preceding Brown, then-Chief Justice Vinson stated, "Because of the traditional reluctance to extend constitutional interpretations to situations or facts which are not before the Court, much of the excellent research and detailed argument presented in these cases is unnecessary to their disposition."¹⁰ Many judges resisted, and still resist, the reality that individual justice in

a democracy is directly related to the public interest and social policy.

Perhaps the most important factor in the schism between law and social science lies in the adversarial nature of our legal system. The problem of the presentation of empirical data in such a setting is obvious. Each side in the dispute will selectively present findings geared to support one side of the argument. Brandeis, for instance, collected data which supported his position, failed to verify its accuracy, and didn't distinguish facts from opinions. (This is not to fault Brandeis for sloppiness, however. He was of the opinion that the validity of the facts was irrelevant. The mere existence of data proved that the legislature had a reasonable basis for action.)

Beyond the question of reliability of data presented to the courts is the uncertainty of its acceptance. Information is subject to the discretion of the judge for acceptance or rejection. Returning again to the *laissez-faire* period, "it is clear that when the Court wished to uphold social welfare measures, it generally accepted the validity of facts contained in Brandeis briefs. But when it chose to reject such legislation, the Court found extralegal data spurious and unconvincing."¹¹ A more sophisticated example can be found today in the courts' ever-changing criteria of what will be accepted as evidence of race or sex discrimination.

There appear to be two problems regarding the use of social policy information in judicial decision-making: the lack of independent sources of information for the judiciary and the lack of any standardized criteria for the use of such information. The techniques of policy analysis may be useful in remedying the situation.

APPLYING POLICY ANALYSIS TECHNIQUES TO THE JUDICIAL PROCESS

The preceding analysis argues for the creation of independent sources of policy

information for the judiciary. Indeed, Benjamin Cardozo as early as 1921 urged the formation of a "Ministry of Justice" to serve as a fact-finding board for the Supreme Court. Though the tremendous variety and volume of policy considerations today argues against the creation of a megalithic research organization, the techniques of policy analysis are uniquely suited to access data already available and to point out needs for additional research. Though the policy analysis model is not directly translatable to the judicial process, the concept of objective evaluation of problem attributes and policy options would serve to rationalize the utilization of extra-legal information. Policy analysis, in particular, may be well-suited to judicial functions. Both judicial decisions and the typical policy problem analysis (as opposed to policy research) are constrained by limited time and limited ability to gather all possibly relevant data. In addition, both judges and policy analysts, for the most part, are not trained experts in any particular policy issue that is dealt with, but are rather more generalized experts at obtaining and analyzing information.

In the proposed judicial policy analysis model, the judges serve as the "clients" of the analysts. The policy analysis process would begin with an examination of problem attributes, to determine the extent of problem impacts on various population segments. This process, of course, flies in the face of traditional judicial method, and challenges the notion still retained from 19th-century mechanistic legal philosophy that the law concerns only individuals—and, at that, only individuals who are presently before the court. That this attitude retains legitimacy is evidenced by remarks made by several of our current Supreme Court justices. But the prevalence of "dicta" in court opinions—that is, observations not properly part of the legal opinion, but intended to reach beyond the narrow confines of the case at bar—demonstrates that, legal theory aside, the reality of the social impact of judicial decision-

making is universally recognized, if not overtly acknowledged. The elucidation of problem attributes would merely serve to bring forth the implications of that impact, rather than leaving them submerged and obliquely referenced in judicial dicta. Exploring the extent of a problem would help in tailoring a judicial remedy, especially where broad constitutional issues are involved.

Next in the process, a causal analysis would be undertaken to relate problem attributes to particular features of the policy under consideration. Of course, this process is entirely distinct from the evidentiary determination of fault or liability in regard to the parties of the case, but would rather place causation in a broader social context in which social effects of a particular policy might be noted.

The question of policy tools presents a unique restriction for the judicial process, because in most cases policy options will be limited to a narrow range, the "no action" alternative will always be a prominent option, and affirmative relief will be limited to actions available under the law given the particular facts of the case. As the policy-maker, the judge would apply legal criteria to the relevant policy choices much as legislative policy-makers apply political criteria.

Much of the power of judicial policy-making is the power of negation, and the judge, especially on the appellate level, is often in the position of "evaluating" a given policy, with the options of affirming that policy or negating it. In terms of policy analysis techniques, the situation may not be appropriate for a formal benefit-cost analysis, but the use of decision-trees might be a useful device for exploring policy implications. In some cases, a limited benefit-cost analysis may indeed be warranted. For instance, often the "reasonableness" of a statute or regulation rests on its degree of adverse impact on busi-

ness. OSHA regulations are one example. Regulation of public utility rates is another. Certain discrimination cases rest on the degree to which the discrimination is necessary for the business to remain viable. These are all examples of property rights being weighed against governmental interests. Of course, it is assumed that parties

to the conflict will present relevant information, but as noted above, this information, in the context of an adversarial proceeding, is subject to selective presentation and distortion. It is anticipated that judicial policy analysts would provide independent objective assessments of the relevant information. In addition, the analysts would have the ability to go beyond the narrow issues dictated by the cases of the opposing parties,

and bring in broader social issues which might otherwise go unaddressed.

Finally, judicial policy analysts could identify knowledge gaps where uncertainty exists. This would serve both to point to weak spots in the information presented by the parties, and to point out areas where research is needed and where, for the present, policy-making should not be based.

In terms of implementation, the independence of judicial policy analysis is crucial. Thus it would be preferable if the body of analysts were not employed by any branch of the government. They might work in the context of "independent contractors" paid from an established public fund. Judicial policy analysts would hopefully be trained both in law and legal reasoning and in social science methodology. Analysis would likely take place on the level of appellate hearings, after evidentiary matters have been disposed of by the trial court. Thus the analysts would serve both to review the evidence and procedures of the trial court and to assist the appellate judges in rendering a decision.

"Many judges resisted, and still resist, the reality that individual justice in a democracy is directly related to the public interest and to social policy."

Jurisprudence has steadily progressed from the entombment of legal formalism and abstract dogma to the sociological realism of reform-minded jurists. Yet the cloak of formalism has only lifted slightly. With the utilization of judicial policy analysis, perhaps the time will come when the judiciary resolutely abandons the precepts of law detached from social reality and makes explicit the impacts of judicial policy-making.

Notes

¹ Oliver Wendell Holmes, quoted in Abraham L. Davis, "The United States Supreme Court and the Uses of Social Science Data." MSS Information Co., New York. 1973, 19.

² Loh, Wallace D. "Social Research in the Judicial Process." Russell Sage Foundation, 1984, 31.

³ Brown, Ray A., quoted in Paul L. Rosen. "The Supreme Court and Social Science." University of Illinois Press, Urbana. 1972, 12.

⁴ Quoted in *Ibid.*, p. 8.

⁵ Loh, "Social Research in the Judicial Process," p. 29.

⁶ *Lochner v. New York*, 198 U.S. 45, 59 (1905), quoted in Rosen, *The Supreme Court and Social Science*, p. 76.

⁷ Quoted in Rosen, p. 78.

⁸ Quoted in Loh, "Social Research in the Judicial Process," p. 80.

⁹ Rosen, "The Supreme Court and Social Science," p. 117.

¹⁰ Quoted in Rosen, p. 132.

¹¹ Rosen, p. 90.

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The Bottom Line: Anthropology Gets Involved

Edwin C. Rocabado, Dan Cearley, Jorge Zepeda, Maureen Erwin, Kellie Figoten and Jennifer Fawcett

In an attempt to assess the service needs of San Francisco's substance-abusing population, a team of anthropology students from San Francisco State University took to the streets to chronicle the lives and feelings of the City's drug addicted. The research team sought to add a qualitative component to a pilot needs-assessment survey administered to substance abuse treatment program "consumers" in the Mission District of San Francisco.

Introduction

Anthropology is setting out to prove its relevance outside of the academy by focusing on socially relevant issues. To that end, our research team set out to independently coordinate a qualitative component of a larger needs-assessment study designed to include community input in determining how substance abuse services in the City and County of San Francisco are delivered, and ultimately might be improved. The need for this type of qualitative assessment comes at a time when the San Francisco Department of Public Health, Community Substance Abuse Services will be restructuring to a managed care model known as the System of Care. We sought to demonstrate how useful the ethnographic method of extended participant-observation at the level of experience can be included in the process of public policy decision making. In our case, the level of experience was on the street, with the homeless, hustlers, street workers, and under-funded service providers.

Our project developed in response to the concerns of the Consumer Affairs Work Group who felt that the people who utilize substance abuse services, the "consumers," were not being represented at community meetings. We decided to do what anthropology does best - go to where the members

of the community are. The Work Group had been developing a pilot survey to be administered in San Francisco's Mission District. We felt that the addition of a qualitative component was necessary, since statistical information focuses attention on aggregate rather than individual experience. An open-ended question component removes the restrictions inherent in a survey format. We felt that even a cursory attempt at documenting the experiences and needs of the "consumers," through informal interviews, would allow us to present the information in the words of those most in need of substance abuse services. We set out to collect the experiences, opinions, comments, and overall attitudes of the "consumers" in regard to publicly-funded substance abuse programs in the City of San Francisco and to ensure that their voices would reach the ears of policy makers.

Methodology

Working within the context of a multidisciplinary project required that we give up some of the freedom that anthropologists usually enjoy. The demographic group that we targeted for our research was not the one that we had access to, but rather the one whose voices were traditionally under-represented in usual needs assessments con-

ducted by the city. Our targeted population were the homeless, elderly, youth, and ethnic minorities (primarily Latino). We needed to ensure that the information we collected could be integrated into the larger body of information collected through the survey administered by the Consumer Affairs Work Group. Utilizing the survey questionnaire developed by the Work Group as a template, we conducted our interviews in a semi-structured fashion.

Interviews were conducted in pairs and ranged in length from fifteen minutes to nearly an hour. Team fieldwork helped to conduct the interviews in an efficient and thorough manner: as one researcher would formulate a question, the other would have another question ready to keep the interview going; this allowed interviews to be conducted with fluidity.

In a debriefing period afterward, each interviewer was able to thoroughly reconstruct conversations, extract quotes, and identify themes with a greater degree of accuracy. A series of follow-up interviews were conducted when possible. As ethnographers, the "one-shot" method of gathering meaningful information is not the ideal approach. Flexibility in methodology is probably the best lesson we learned in constructing this ethnography. --Street Corner (Inter)Views

We began our research just a few blocks away from where several of the Consumer Affairs Work Group's community meetings were being held and in close proximity to a multi-service center targeting substance abusers. At this location it was difficult to spot those not using drugs. On one occasion, as three of us were conducting interviews on the street, we sat back and observed needles being passed back and forth to the call of "outfits, outfits," which refers to the needle kit utilized by intravenous drug users. On another occasion, we spoke to a man who told us; "I don't need ser-

vices", as he swigged on a pint of Vodka just outside a treatment facility. It occurred to us that the whole process of conducting needs-assessments seemed redundant - the policy makers know what the "consumers" needs are. The only thing that kept us going was the fact that people wanted to talk about their experiences. It appeared that the only chance they ever get to discuss their experiences with "outsiders," was usually spent on "clinically" oriented ears. Trained to assess things holistically, rather than categorically, we knew there was more to their stories. The issue of accessing services really took on a different meaning to us. What we were really doing was accessing a life.

One homeless man who washes windows a block away from "our" corner, blamed himself for where he is. He said that he understood structural impositions, he then switched in mid-sentence to internalizing the shame of being a homeless drug addict. He won't see his kids until he is "back on track." Unfortunately, getting back on track requires being able to access relevant services for substance abusers. Being one that had been successfully co-opted into the hegemonic idea, or ideological notion of individual responsibility, he spoke of knowing he had to rise above it all and get help. The process that awaited him would be "a waiting list and plenty of red tape" that would eventually send him back to the street and using.

On another occasion, we were hanging around the corner of 16th and Mission Streets, near a wall that surrounds the entrance area to the BART (Bay Area Rapid Transit) station. We had just finished trying to conduct an interview with a high school-aged female addict who was too high to respond coherently to any of our questions. We began surveying potential interviewees among the addicts and dealers buying and selling drugs and ancillary paraphernalia. As commuters exited the station and junk-

"On one occasion, as three of us were conducting interviews on the street, we sat back and observed needles being passed back and forth to the call of 'outfits, outfits...'"

ies lined up outside the toilet-kiosk, we spotted a thin, middle-aged man walking hurriedly across the plaza, slightly stooped over, carrying an acoustic guitar. He stopped to talk to a dealer for a few seconds, then he walked over to someone in the kiosk line. He turned away, pulling on his tall, fur covered hat and dashed over to the fence on the perimeter of the courtyard where he leaned back and strummed his guitar. We debated whether or not to approach, then walked over to the fence and chatted amongst ourselves for a minute or two before greeting him and offering him a cigarette.

This is how our interview began with the forty-one-year-old homeless man who suffered not only from drug addiction but from a psychiatric disorder, as well as diabetes. He was familiar with several of the treatment programs in the city, as he had "passed through" the city many times and sought help for his various problems. He professed to be off heroin but was currently using codeine and Valium. Over a period of several years, he had sought treatment at BAART (Bay Area Addiction Research and Treatment), St. Patty's Hospital, Target Cities, Westside Hospital, San Francisco General, and the Haight-Ashbury Free Clinic (HAFC). Most recently, he had received treatment in October of 1996, at St. Patty's after being dually-diagnosed at Haight-Ashbury Free-Clinic (his initial choice of HAFC was due to its close proximity to a soup kitchen).

He expressed the frustrations he experienced with the various treatment services in San Francisco. He explained that "being bumped around from place to place - referral here, diagnosis there, treatment somewhere else, food somewhere else, and a lack of information about services were a problem. People are fed up with the system. People don't know about services. People want help but don't know where to go." In regard to hospitals he stated, "People don't know about the Burton-Hill Act. They don't know that they can get free medical care. They don't want to wait forever at a clinic. It's easier to get a pain killer."

Filling A Void

Patty was a woman we spoke to who described her pain in the form of a void she has experienced all her life. She is a 40-year-old prostitute who lives in a hotel on 16th Street in the Mission District of San Francisco. She has shoulder-length brown hair with bangs, big eyes, and high cheekbones. Her facial features are augmented due to emaciation. Patty smokes crack regularly. She has been a heroine addict for 23 years and is currently on methadone; she has been off heroine for the six months she has been on methadone.

Patty said she turned to heroine because of a void in her stomach. Her mother, who was an alcoholic, abandoned her and she was sent to an orphanage. However, her mother felt guilty and returned after two months to get her. Patty said that she never had her mother hold her after she was born and that she never got over it. She says that, like herself, heroine addicts have a common emotional experience: abandonment. She described the warmth of heroin as filling the emotional hole she has. Her own baby was ripped from her arms by a friend because her abusive, alcoholic husband was going to kill her. She aches for her child. Her husband died about a year ago and the man she now lives with was a very good friend while she was married. Six months after Patty's husband died, they became intimate. They both smoke crack. Patty said, "He told me we can't have a normal relationship if we are smoking crack, and he was right... We will just be talking and then all of a sudden we are accusing each other of doing things and then we start fighting." He doesn't like being affectionate in public which "kind of" bothers Patty.

Patty has been trying to find a program or service provider for many years. Most have not worked for reasons that Patty feels are out of her control. She has tried Narcotics Anonymous (NA). Her NA sponsor was a nun who took off, leaving Patty for two months and upon returning realized she was gay and had to get out of the "nun thing."

This left Patty without a support system. She doesn't like the idea of one-on-one counseling, especially for heroin users. She states that coming off heroin leaves her very vulnerable and she no longer wants to be at the mercy of a single counselor. NA groups, however, provide the group support she needs, so she continues to attend NA meetings.

The Bottom Line

When we interviewed the director of a local methadone clinic, we received a first hand look at the need for the clinic staff to "wear many hats" in order to simply provide the basic services that their limited resources permitted. With the decrease in funds allocated for substance abuse services, the providers we interviewed stated that they were forced to restrict their services to the most vulnerable. Many of the addicts we spoke to knew this already, expressing that they would be better off having AIDS so then maybe they "can get some real [comprehensive and relevant] help [services]."

It is fast becoming the case that there will not be much available to the "healthy addict" which is essentially any addict without a severe psychological and/or medical diagnosis. As the city begins restructuring toward a managed care model, many brace themselves for what appears to be the new world order of public health, a model that one supervisor of a substance abuse program referred to as "managed cost - no care." This does not necessarily have to be the case, and after wandering listening to many of the stories at "ground zero" - the street curb - we certainly hope not. This was best articulated through a dialogue between two of the authors of this paper during a curbside interview:

We knelt down on the sidewalk next to a woman who was sitting on the curb and began chatting with her. As the conversation progressed we began to ask her questions relevant to our research.

Kellie: "We are talking about what kind of services you would like in this area. Talk to us about how you feel."

Patty: "They're all the same - services, services, programs, programs, programs. When you are out here it's all the same, it's all about the bottom line."

Jennifer: "And what's the bottom line?"

Patty: "I'm sitting on it."

In her own way, Patty was letting us know that if one really wanted to see what could be done and where one could be most effective one would have to go into the community, to the streets, to the "bottom line."

Getting Involved

At one point we realized the efficacy of our methodology when we stumbled upon a recommendation that a person we interviewed wanted to send to the policy makers. On a windy evening we spoke with James, an articulate middle-aged man with soiled jeans and a blue sweatshirt, who camped out in a nearby church parking lot. He was busy washing the windows of a gleaming blue Cadillac. During our second meeting, we discussed his experiences being in and out of City drug treatment programs and asked what would help to get him back in. At this stage in his life, James was just about ready to give it another try. "You need to reach out to the community...the same way people get drugs, outreach, use the same methods as the street dealers."

During other interviews, we heard similar recommendations though not as straightforward. There were clear indications of the need to alter the perception that service providers should wait for the client to come to them but rather that the service providers should go out into the community, that they should go to the client. A homeless street vender, LB, has been in and out of methadone programs, and now has a "two quarter grams" of heroine a day habit. In response to our inquiries on how

the city should reach people he stated, "Just like you're doing now."

By situating ourselves in direct collaboration with administrators and applying our knowledge of ethnographic methods, our team was able to provide meaningful insight and information contributing to the creation of public policy. Much of the information was common knowledge to those who use the system, as well as to the service providers and program administrators. Within a seven-week period, our volunteer research team produced meaningful results without monetary expense.

Individual initiative is the criteria upon which many in the substance abuse service field assess whether the individual

really wants to, as one recovering counselor put it, "Better themselves - like I did." This lies at the heart of why we became involved - we feel that you cannot sit back, call a community meeting, and have everyone just show up to offer their most personal experiences. At the core of anthropology is the engagement of people on their level; in the case of our project it was reaching out in the streets, alleyways, single resident occupancy hotels, shelters, and social service centers. We saw the opportunity to use a "parachute-style" ethnography to build a bridge between removed policy makers and the alienated substance abusing population in the City of San Francisco.

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photo by Ron Lewis

Supply & Demand: Water Options for Solano County in the 21st Century

Lisa Ono

The demand for water is expected to increase dramatically in Solano County, California over the next several years. This paper examines a variety of water policy options available to county officials for meeting the increasing demand for water in this northern California community.

Problem

Demand for water in Solano County is rising, yet the supply of water is stagnant, even falling.¹ According to three separate reports,² Solano County is expected to undergo water shortages by the early part of the 21st century.

Given the projected population growth, water demand in Solano County will exceed water supply by 14,000 acre feet³ by the year 2000.⁴ A water deficit of 14,000 acre feet would leave approximately 32,060 homes without water service.

The problem is even worse than previous reports anticipate. Water supply is lower than past projections due to recent studies on water quality and recent court decisions.

Earlier reports include well water as part of our future supply, but recent studies⁵ show that much of the groundwater in Solano County is contaminated. Past supply projections also include at least one city reservoir⁶ that contains high levels of mercury. Both of these supply sources are unfit for urban use.

In addition, two recent court rulings⁷ allocate more water from Lake Berryessa, Solano County's main water source, for environmental protection and neighboring water users.

So, what are our options? We can ei-

ther increase our supply. . . or we can decrease our demand.

Method of Analysis

Water supply issues in California face increasing costs, multiple water interests, legal challenges, and physical hurdles. The purpose of this paper is to examine water policy options that work toward balancing water supply and demand in Solano County. The paper is designed to inform policy makers and Solano County water users about the urgency of the problem and to facilitate discussion about possible approaches to addressing the problem.

Past and emerging options are analyzed to find a workable plan for the needs and situation of Solano County. Analysis is based on existing policy documents, court cases, newspaper and magazine articles, an interview, and electronic resources.

Objectives

For this report, the main objectives are the following:

1) Apply cost-effective, feasible options that will provide Solano County agriculture, industry, and cities with a safe, reliable source of water.

2) Use options that have the least impact on the environment.

3) Choose options that provide long-term reliability from legal action and competition with neighboring water interests.

Policy Options

The following six options are proposed as possible ways of solving the problem by either increasing supply or decreasing demand:

Increasing supply

- Expand existing reservoir
- Participate in water marketing

- Pursue legal action

Decreasing demand

- Limit growth
- Reduce use
- Change pricing system

Evaluation Criteria

Each option is weighed with considerations for the following criteria:

- *Cost*—what are the costs involved, considering both economic and environmental costs?
- *Benefit*—what are the potential benefits of each option?
- *Political and social viability*—how acceptable is the solution to the public and to decision makers?
- *Legal and physical feasibility*—if needed, can the water be transported physically from one area to another, and how will the option stand up to legal challenges?

Assumptions

No action is not an option. Solano County decision makers must take active steps now toward balancing water supply and demand.

Droughts are inevitable. Given the climate history of California, periods of drought will occur; Solano County should plan to have enough water in reserve to cover a five-year drought.

Increasing Supply

Expand existing reservoir

Push for expanding the capacity of the existing Shasta Lake reservoir in Northern California. This would increase supply to Solano County by 79,000 acre feet.⁸

Cost

Expensive. Water from this federal project would cost two-to-three times higher than the \$166 per acre foot (1994 pricing) that Solano County pays for state project water.⁹

Environmental costs would be considerable. There would be a loss of wildlife habitat in the Lake Shasta area as stored water floods a greater area.

Benefit

Would result in a large increase in supply from a single source. Seventy-nine thousand acre feet would allow projected development to the year 2040 (see Appendix for table of "Solano County Water Requirement Projections, 1995-ultimate").

Political and Social Viability

Politically viable. With the passage of Proposition 204 (November 1996), there is voter-approved funding available for either building new reservoirs, or expanding the capacity of existing reservoirs.¹⁰

Social viability is shaky. The wording in Proposition 204 makes it unclear as to whether voters passed it for increasing environmental protections or increasing water supplies; the funding in the proposition applies to both situations, so voter approval of expansion is not necessarily sanctioned.

Legal and Physical Feasibility

Legal hurdles—must complete an environmental impact report. The initial proposal for expanding Lake Shasta's capacity was stalled due to drought and completion of an environmental impact report. In addition, the federal project determined that it would not supply new contract requests,

"Water supply issues in California face increasing costs, multiple water interests, legal challenges, and physical hurdles."

including Solano County; however, this decision may change over time.¹¹

Physically, it is possible to expand the capacity of the reservoir. Water could be transported to the Solano County delivery system via the existing North Bay Aqueduct.

Participate in water marketing

Purchase land property (800 land acres) of the Pope Ranch in Yolo County. Purchasing the land would give Solano County appropriate rights to 2,400 acre feet of water if newly acquired land is left fallow.¹²

Cost

Cost is unknown, but this is assumed to be a feasible option; Solano County has already participated in negotiations with the Pope Ranch owner. Once determined, the cost may not be worth the relatively small gain of 2,400 acre feet.

Environmental cost could be high. There are concerns that the exportation of water could result in less water sinking into the aquifer area below Pope Ranch, leading to land subsidence and permanent loss of natural groundwater storage.

Benefit

Solano County would acquire 2,400 acre feet of water.

Political and Social Viability

This option would create animosity between Yolo and Solano counties. Yolo County is opposed to the sale and exportation of water out of their county.¹³

Agricultural interests are concerned that a permanent transfer of water rights could snowball into more property owners selling their land and water rights, creating an overall loss of support for agriculture. If more agricultural land is left fallow over time it would have a negative impact on third-party support services such as trucking companies, and seed and fertilizer suppliers. During the last drought, third-party losses in Yolo County totaled \$129,000 in 1991 as farms lay fallow to provide emergency supplies to surrounding cities.¹⁴

Legal and Physical Feasibility

This is a legal option; appropriative water rights are transferable. However, legal challenges by Yolo County could result in a reallocation of some water rights to Yolo County.

Transfer is physically feasible; water could be transported to Solano County via the existing North Bay Aqueduct.

Pursue legal action

Appeal the April 1996 ruling¹⁵ that requires release of approximately 9,855 acre feet (during average-year flows) of water from Lake Berryessa. Either try to reverse the ruling completely or to change the amount of release from Lake Berryessa.

Cost

Legal costs are both time and money. The initial case took approximately six years to conclude, and on top of their own legal fees, Solano County water interests were required to pay \$3,872 to cover interrogatory costs.¹⁶

The ruling was for environmental reasons—to ensure flow in Putah Creek below Monticello Dam (that backs up Lake Berryessa) because the lower reaches of the creek dried up during the last drought. A reversal of the ruling would keep more water for storage, but would leave less water for habitat in the creek below the dam—resulting in an environmental cost of habitat loss.

Additional cost would be loss of recreation on the lower reaches of Putah Creek. The California Department of Fish and Game stocks fish to this creek, and these fish would be adversely affected. Solano County and Yolo County would both lose revenue from low attendance and loss of park use fees to the county parks along the creek.

Benefit

Solano County would either regain 9,855 acre feet of water, or be allowed to release less water from Lake Berryessa.

Political and Social Viability

Although this option is politically charged, it involves a legal decision, not a political decision; any opposition would have to be through the court process.

There is support from the water interest parties to appeal the decision.

Legal and Physical Feasibility

The judge ruling this case turned down a motion for a retrial (October 1996).¹⁷ Solano County may still be able to appeal to another court to reexamine their case, but there is a good chance that any appeal will uphold the April 1996 ruling.

This option does not have any physical barriers. Water can either remain in storage behind Lake Berryessa or be released through Monticello Dam.

Decreasing Demand

Limit Growth

Use limited water supply as a tool to limit population growth in Solano County. Prohibit additional water hookups to developments until new supplies are available.¹⁸

Cost

Individual cities and the county would lose revenues from developers' fees for new developments. This loss may balance out over time because the city would not be responsible for utility maintenance to new developments.

Benefit

Would limit population growth, lessening both water demand and urban sprawl, if that is desired. May lead to conservation of open space, including agricultural land and wildlife habitat.

Political and Social Viability

Decision makers would walk a tightrope with this option. Current residents would most likely favor this option, but it may discriminate against people interested in moving into the county.

Agricultural interests would favor this option because it would leave water for agriculture and promote preservation of agricultural land. Developers would

oppose growth limits, and third-party effects would be to construction companies, hardware suppliers, and commercial retailers.

Legal and Physical Feasibility

Water supply has been used previously in California by the City of Goleta and by Marin County¹⁹ to limit development. For this reason it is assumed to be a feasible option. However, because growth limits are often viewed as exclusionary,²⁰ a legal challenge to this option would have a reasonable chance of overturning such a growth limit. Another option is limiting growth on a temporary basis; a temporary growth limit is reasonable and would likely be upheld in court.²¹

Reduce Use

Reduce use through conservation, reuse, or recycling of water at the local level. Installation of efficient delivery systems, or improvement of existing systems would also decrease demand. Reductions could be implemented either through regulation, incentive, or public education.²²

Cost

Minor cost relative to options for increasing supply. Costs would include monies for a public education campaign, possibly including use of informational documents, local media, and community involvement programs.

All sectors would be pressured by rising prices to install more efficient systems and would be responsible for covering installation costs; or the county and individual cities could provide rebate incentives for those individuals or groups who take steps to increase efficiency.

Benefit

Would not involve water interests outside of the county.

Potential for community involvement and unification.

Political and Social Viability

Would require support by the policy makers at the city and county levels. Policy makers would have to take an active role

in public education by stating the need for water conservation.

County residents have actively participated in water conservation programs during the last drought.²³ If the public is informed of the situation, I think residents would support self-regulation programs for saving water.

Legal and Physical Feasibility

This is a legal option. Cities and counties can legally encourage resource conservation through education and information programs. Legal problems would only occur if conservation measures involve regulation and enforcement.

This option does not necessarily involve any physical constraints. Installation of efficient systems or water meters may involve physical barriers.

Change pricing system

Change the pricing system to reflect true water costs. Increasing the cost of water to residents, industry, and agriculture would promote water conservation and efficient use.²⁴

Cost

Informing the public of a price change system would cost less than options for increasing supply. Main costs would be for legal challenges to price increases, or possible loss of business revenues if companies decide to leave the county due to rising costs.

Benefit

Water would not be subsidized by general revenue sources, so the cities and county would have more monies available for other issues.

Political and Social Viability

This is a hard sell option. Businesses, industry, and agriculture will oppose increases in water costs. Residents would oppose increases in water costs, but the resistance would likely be less than from other sectors.

Legal and Physical Feasibility

I'm not certain of any constraints on

raising water prices. It is assumed that public works departments and the Solano County Water Agency could increase water prices without prior public approval.

This option does not involve any physical constraints.

Recommendation

It is time for Solano County to take a hard-nosed approach to water issues. I recommend reducing use and changing pricing systems to reflect true costs. In addition, I recommend looking into *cooperative* water marketing with neighboring counties and water districts to create emergency storage reserves that benefit whole regions instead of individual parcels.

The following points address the policy objectives for this report:

- Each of the recommended options, reducing use and changing pricing systems, cost less over time than the options that call for increasing supply.
- Both would be environmentally beneficial because they do not involve either removing more water from existing sources or obtaining supplies from new areas.
- The recommended options only require action within the county, implementing them would not conflict with neighboring water interests.

Findings against other options

All three options for increasing supply are costly, both economically and environmentally. These three options also involve competition and possible legal action with out-of-county water interests.

Expanding existing reservoirs, or otherwise building new supply sources, will only shift the problem to future generations.

Using limited water supplies to limit growth may not be legally feasible. This option may be used legally for short-term, temporary regulation, but it is not a long-term solution.

Notes

¹Projected water supply and demand for Solano County from 1995 to Ultimate Development (Source: Solano Water Advisory Commission, February 1994). Ultimate development is the maximum buildout of development given current population projections.

²Solano Water Advisory Commission. February 1994. Solano County Water Requirement Projections from 1995 to Ultimate Development.

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³To understand what an acre foot is, picture yourself wading on one square acre of land that is covered in water one foot deep; the volume of that water equals one acre foot, a total of about 326,000 gallons. A typical home uses a little less than one half of an acre foot of water per year, about 142,350 gallons.

⁴Solano Water Advisory Committee. February 1994. Solano County Water Requirement Projections from 1995 to Ultimate Development.

⁵From a radio broadcast report heard on National Public Radio.

⁶Refers to Lake Herman in Benicia, California. Lake Herman contains high levels of mercury due to drainage from an old mine in its drainage basin. Warnings against public fishing from this lake due to the mercury content are posted on the lake shore.

⁷Putah Creek Council v. Solano Irrigation District. Solano Irrigation District v. All Appropriative Water Rights Holders in the Upper Basin of Putah Creek.

⁸Hagerty, David. "Solano Could be Drip-dry Within 2 Years". *Benicia Herald*. Benicia, CA. September 26, 1990.

⁹Solano County Water Agency. Briefing Book taken from the Solano County Water Agency NetPage at <http://www.community.net/~scwa>

¹⁰California Ballot Pamphlet for General Election November 5, 1996. Text for Proposition 204. Proposition 204, the "Safe, Clean, Reliable Water Supply Act," is a multiple-coverage water bond that was passed by the voters.

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San Francisco & Columbus Avenue Tango

Erica Reh

Poetry

San Francisco

Cool gray city
Have you no shame?

I saw your lovers on Geary Boulevard
Slithering towards hesitant men
Selling their bodies for a meal

Your stars on Columbus Avenue
Spilling from limousines
Dropping coins in tattered Styrofoam cups

Your knights on Mission Street
Battling for newspaper capes
With cardboard shields

I saw your sandman this morning
Lying flat on his back on Market Street
His arms held out to secure your sleep

You may blanket us
In your fog of golden dreams
But, remember, dear city

I saw them

Columbus Avenue Tango

Twilight
Ginger swishes by
Long knobby blue legs
Sagging belted midnight gown
Powder and indigo feather boa

Crimson lips and broken teeth call
For Fred
Mismatched high-heels clatter
To a deaf beat
Hollow painted eyes make
The sidewalk her stage

Fred sachets up
Links his woolly hands around her waist
She spits and cackles
He gathers the boa around his queen's neck

Fred and Ginger tango downstage
Heading towards the stars
Each has one gloved hand
On the Safeway cart

Pushing their love nest
Deeper
Into the night

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photo by S. Todd Rogers

The Urban Ecological Fallacy: A Critique on the Early Theories of Urban Ecology

Michael Ilich

The city earned its way into academia in the early 1900s when social scientists from the University of Chicago saw their immediate environment as a potential field for study. Sociologist Ernest Burgess developed the first models of the spatial and social organization of the city. This paper gives a brief history of the study of urban sociology and provides a critique of the various historical models of urban distribution of space and the factors which engendered their perspectives.

Given the city's immense significance to the study of history, politics, sociology, and the general study of humanities, it is clear that its role in our daily lives goes beyond its physical aspects. The symbolic value of the city is as equally valuable to the study of our lives as it is to our place in it. Cities, being the most densely populated regions and hence most developed, more often than not house the pulse of contemporary society. Cities have historically resembled a composite of the best things offered by a society in terms of large social networks and amenities afforded by their greater degree of modernization than surrounding rural areas. Given this, it is interesting to note that the study of the city, and more generally urbanism, took until the 20th century to gestate into a notable school of social science.

Other than some early studies in Europe during the 1700s, urban study as a veritable science remained undeveloped for a considerable amount of time, particularly in the United States. Although cities had proven throughout history to be the centers in which the politics of the time were most pronounced, social scientists have mostly downplayed the importance of the city in social interaction. It was not until the turn of the century that social problems such as slum housing and concentrated poverty be-

gan to attract the attention of social workers and social scientists. In efforts to develop theoretical structures which could apply directly to social work efforts, Robert Park and Ernest Burgess spawned what would come to be known as the Chicago School of Urban Sociology. Laying the groundwork for the discipline of Urban (or Human) Ecology; the work of Park and Burgess examined the dynamics of spatial and social organization in the city.

By the modern definition, Urban Ecology "seeks to describe patterns of land use and the residential distribution of people with different social characteristics." In his first paper, "The Growth of the City," Burgess developed a model of a systematic socioeconomic design for the city. Drawing from the Hull House Maps and Papers (1895), Burgess conducted a social survey on the west side of Chicago and developed his own sociological mapping system. He defined the principle social areas of Chicago and their geographic distribution, ranging from the "central business district" to the outlying "commuter zones." While his configuration lacks applicability in many cases today, it described the general outlay of the city quite accurately and intelligibly for the time. In fact, the salience of Burgess' work resulted in the United States' creation of the census tract mapping system. Observing

what would come to be recognized as the post-industrial configuration of the city, Burgess identified the changing socioeconomic spread of the city in which more affluent classes tended to locate further from the central business district as methods of transportation improved. He also noted a trend still evident today: the gradual diffusion in the degrees of cultural diversity from the inner-city to the suburbs.¹

While Burgess was somewhat willing to see the importance of economic factors in spatial arrangements, Robert Park saw Urban Ecology a bit differently. In an effort to explain the forces of urban spatialization, he posited a dichotomy of orders consisting of a "moral" order which included economics, politics, and culture, and a "subconsensual" order in which urban spatializations were manifested by the collective, subconscious will of society.² Park stipulated these orders to be, for the most part, mutually exclusive of each other. While he acknowledged that political, social, and economic factors had an influence in the spatial grouping of society, he posited them to be non-hegemonic, and therefore, inferior to the ecological forces which shaped the urban organism. Realizing that his theory would run into imminent contradictions, for example, how could ghettos be the product of "subconscious collective will" and not because of a "moral" order, Park allowed for exceptions to his theory by acknowledging the existence of sub-areas within the city which could be discerned to be a product of both orders. His concept of "natural areas," the neighborhoods in which the two orders could both be said to have an influence, allowed him to further his theory in the realm of social science.

While the works of Burgess and Park set the foundation for the future of social space analysis, it is clear that their postulations were not without shortcomings. Theorists such as Paul Hatt, challenged the use

of biological terms and precepts in the science of Urban Ecology. Hatt disputed the "naturalness" of Park's "biotic order," stating that the parameters assigned to "natural areas" were due to his own fabrications, rather than a disciplined measure of empiricism.³ Similarly, Homer Hoyt, in his *Structure and Growth of Residential Neighborhoods in American Cities*, made the highly regarded research methods of Burgess seem primitive. His amazingly detailed study of the state of urban households in sixty four cities put Burgess' census tract-based data to shame.⁴ However, while Hoyt expounded on the premises laid down by Burgess, particularly in regards to the way certain urban zones expand, he too failed to adequately address the underlying structural forces of urban spatialization.

The value of the Chicago School's theories, as forged by Park and Burgess, in today's world are highly questionable. Descriptions of urban spatialization lack a contemporary realism, especially in light of the massive changes that have taken place in the urban landscape since the Depression era. The inability of Burgess and Park to foresee and adjust for urbanization saturation is not due to a lack of prescience, but is a product of the structural flaws in their theories. While both downplayed the significance of political and economic factors, it does not appear that they were not aware of the influence of these factors. They merely assumed them to be balanced despite evidence to the contrary, such as the growing differentials in property values throughout the city. Park's conception of a biotic order conspicuously reeks of the theoretical framework used to explain the social applications of Neo-Classical Economics. Much like Adam Smith's "invisible hand," Park attempted to explain politically and economically induced phenomena with a "scientific" model of spatial balance, in which all participants are firstly individuals free in spa-

"Descriptions of urban spatialization lack a contemporary realism, especially in light of the massive changes that have taken place in the urban landscape since the Depression era."

tial mobility, and checked only by competition of spaces. Because competition and government promotion of it (along with investment in infrastructure) are posited to be self-regulatory mechanisms of the market in Neo-Classical Economics, the market is purported to be non-discriminating and in an abstract sense, "natural." Thus, the foundation for Park's reasoning for a "subconsensual" order in which individuals, much like species in Darwin's "natural selection," happen upon certain spaces through the following of "natural instincts."

Clearly, the ecological theories of the Chicago School are not merely the product of a scientific process. As argued by Manuel Castells, "no one recognizes that the theories which are guiding government intervention into urban problems... are, in fact, ideologies which serve the interest of the ruling classes rather than true scientific theories."⁵ Evidence of a coming "paradigmatic change" within Urban Sociology testifies to the limitations of the capitalist ideology to explain urban problems. The provision for "limited" government intervention can no longer be said to be benign to the overall openness of the market. As evident by the rise of the Keynesian School of Economics within the discipline, government is more popularly seen as a mediator, a facilitator, and a progenitor of economic policy (a brief look at the role of the Federal Reserve lends ample support to this view). As stated by Mollenkopf, "land use questions... inevitably tend to become political. How the politics of land use are organized, and therefore contained, provides the central theme of U.S. political history."

Indeed the role of government expands beyond that of just economic policy. It also has great effect on the organization of public and private space. Through such practices as zoning, funding and construction of infrastructure, government investment in housing, and urban renewal programs, the government, as described by Abu-Lughod, has dramatically distorted the so called biotic pattern of spatialization. Because zoning power is constitutionally equatable to

police power, the government is extremely influential in spatialization patterns by its ability to limit sub-areas to commercial, industrial, or residential zones. Government investment in infrastructure is an extension of zoning power. By taking responsibility for the creation and maintenance of what Neo-Classical Economics terms as "externalities" (public needs which the market will not directly address such as schools, roads, and parks) the government must make a policy of allocation, which is rarely equitable to all. This is because of the cyclical relationship between government and the leaders of business—its greatest source of tax revenues—to which government is logically most sympathetic. When it comes to appropriating which neighborhoods get the parks, upscale schools, well-maintained streets and the like, the power elite behind big business have strong bargaining leverage. The government can cater to their requests, or risk the flight of major businesses, ultimately resulting in the loss of tax revenues and a weakening of the overall economy.⁶

Similarly, government investment in transportation bears significant influence on property values as well as the health of the economy and environment. By opting for investment in freeway construction and maintenance, as the United States did with the Interstate Highway Act (1956), instead of continuing growth in mass transportation infrastructure, the luxury of high speed transportation is greatly limited to those who can afford to drive. The massive increase in United States spending on highways, from \$79 million in 1946 to \$2.9 billion in 1960, affects not only the general economy and environment (auto pollution), but the property market.⁷ As urban saturation reached more regions of the country and freeways became main linkages to the suburbs, more space was needed for highway construction, which intrinsically meant an increase in the number and size of urban ghettos, which tend to border the urban highways. The growth of ghettos was affected by the phenomenon of "white flight" (the mass exodus of whites from the city to

the suburbs), leaving behind diminished property values and poorer, disenfranchised people to dwell in inner city areas.

Similar effects occurred as a result of government involvement in housing markets. While early efforts to create and subsidize public housing helped to create thousands of badly-needed units of affordable housing, convoluted government policies such as urban renewal programs reversed much of the gains made by non-home owners. As permitted by the Urban Redevelopment Law (1949), municipal authorities could use public funds to buy property in primary locations with depressed value at high prices and resell it at low prices to real estate developers who would promise to devote it to uses which could generate greater tax revenues.⁸ "Between 1950 and 1960, federal programs destroyed more homes than were built... experts estimate that... the United States lost a net of 200,000 housing units between 1950 and 1960."⁹ Not exactly the product of a benign governmental influence in any terms.

These are just a few examples of how the "naturalist" version of Urban Ecology

fails to accurately depict the logical consequences of monopoly capitalism in urban areas. As with Park's conceptualization of "natural areas," it is naive to assume that a system based on capitalist principles will somehow not conduct itself according to those principles. Poverty and inequality are not mere aberrations of an otherwise mutually beneficial system, but rather the logical consequences of its structural foundation. Urban Ecology cannot be isolated from ideological and cultural influence any more than it can be from the directives of science. In order to realistically understand the problems associated with urbanism, we must be able to see both sides of the coin. Failure to do so means, like Burgess, Park, and Hoyt, we will only learn more about what is there, without insight as to why it is there. Thus, while we may avoid committing the urban ecological fallacy in empirical research (mistaking individual characteristics to be possessed collectively), we will forever be hampered by the fallacy of Urban Ecology.

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Historic Preservation and Affordable Housing: Federal Policy and a Case Study of San Mateo's Residential Conversion Program

Sarah Sykes

In the past, advocates for affordable housing and historic preservation have found little common ground to stand on. However, a series of national initiatives aimed at restoring America's deteriorating inner-city neighborhoods have led these two groups to form an unusual partnership. This paper reviews policies that have led to the creation of affordable housing through the historic preservation of existing structures in the City of San Mateo, California.

INTRODUCTION

In August of 1995, The National Trust, a private organization chartered by Congress to oversee the preservation of sites, buildings and objects significant in American history, instituted a new program: an urban initiative aimed at reviving and restoring the deteriorating downtown centers of many of the cities in this country. It is known as The Community Partners Program and has a twofold purpose. It was designed not just to protect the historic characteristic of neighborhoods, but also to provide affordable housing for people living within those neighborhoods. In May of 1995, Henry Cisneros, the Secretary of the U.S. Department of Housing and Urban Development, (HUD), issued a memorandum to his staff entitled "The Historic Preservation Directive." In it he states that preservation must be considered "an important voice in any community development partnership."¹ The fact that the National Trust is promoting affordable housing and HUD is protecting historic properties may sound confusing. However, there has been a continuing move over the past few years in the direction of combining historic preservation and affordable housing in our urban centers from such diverse sources as the National Trust and HUD. It is a well-documented fact that

our cities are considerably less liveable than they were twenty years ago.² The now-common complaints of drugs and violence, combined with the rapid out-migration of the employers and businesses, has created a situation so severely depressed that no one agency can stop or even slow the tide. Organizations such as HUD and the National Trust are beginning to realize that the only way to make an impact now is to band together with a common goal and to work together to take back these areas - to make them liveable once again. Various federal, state, and local agencies are beginning to design and implement policies that will compliment and augment one another and offer assistance for the rehabilitation and reuse of a historic building as affordable housing.

In order to offer a detailed review of the current changes regarding federal policies aimed at creating affordable housing through historic preservation, this report has been divided into two parts. The first, Federal Policy, looks at the actions taken by various government agencies, the resulting policies created, as well as some of the tax credit options made available for these projects. The second half, A Case Study of San Mateo's Residential Conversion Program, describes a successful program and the funding possibilities used by the City of San

Mateo, in addition to a review of three individual projects within that program.

FEDERAL POLICY

Within the last two years, the combination of historic preservation and affordable housing has received considerable attention from federal, state, and local agencies - including the National Trust, HUD, and the Advisory Council on Historic Preservation.

A series of actions and policy changes has taken place that are designed to ease the ability to initiate, finance, and complete a preservation and reuse project. The following is a review of some of the most important policies. Before considering the new policies it would be wise to review the existing policies affected by these changes. These are the Section 106 review process and the Secretary of the Interiors' *Standards for Rehabilitation*.

Existing Policies

Section 106 is a review process contained within the National Historic Preservation Act of 1966 (NHPA), as amended, and is administered by the Advisory Council on Historic Preservation. The NHPA encourages the preservation of historically and culturally significant places in order to create a "sense of orientation" for the American people regarding this country's past.³ Section 106 is a review process that must be cleared in order to receive any federal assistance such as HOME or Community Development Block Grant, (CDBG), funds for any building that may be eligible for the National Register of Historic Places. Section 106 states that all federal agencies involved must consider the consequences that their funding and permitting decisions will have upon the building and its environment.⁴ This process works in conjunction with the Secretary of the Interiors' *Standards for Rehabilitation* of

protecting and preserving the historic value of an area. The Secretary of the Interiors' *Standards for Rehabilitation* are listed in Appendix A. The standards require that a building's historic character be protected, and that any construction undertaken will leave "the essential form and integrity of the historic property and its environment ...un-

impaired."⁵ This includes preserving not only the structure, but also any significant finishes or construction techniques incorporated. The recent policies created refer to both the Section 106 review and the Standards for Rehabilitation and have the potential to strengthen them as rehabilitation tools.

"The only way to make an impact ... is to work together to take back these areas — to make them liveable once again."

Recent Actions and Resulting Policies

The following is a review of three recent actions taken by different organizations in response to the increasing interest in reversing the deterioration of our downtowns: (1) a roundtable discussion co-sponsored by HUD and the National Trust, (2) a policy statement issued by the Advisory Council on Historic Preservation on Affordable Housing and Historic Preservation, and (3) the Community Partners Program (already mentioned) instituted by the National Trust. It is both interesting and reassuring to note that all three are all focused towards a common goal: the revitalization of American urban centers through the reuse of historic structures and the provision of affordable housing.

One of the first steps in this direction was a roundtable discussion co-sponsored by HUD and the National Trust in October 1994. The meeting was attended by representatives from both HUD and the National Trust, as well as almost one hundred other federal, state and local officials and preservation activists. The goal of this meeting was to rebuild and strengthen the relationship between HUD and the National Trust and to revitalize HUD's focus on historic preser-

vation. The recommendations drafted at the conclusion of the strategy session provided HUD with a strong direction to follow. This, combined with the ongoing reinvention of HUD will establish the agency once again as an active participant in the field of historic preservation. The recommendations for HUD include:

- working with President Clinton to create a "strong, comprehensive policy for stabilizing and revitalizing existing communities"
- training HUD staff in historic preservation and training preservationists in HUD policy
- attempting to stop out-migration from cities and promoting culturally diverse neighborhoods
- improving the Section 106 review and expanding it to comply with *The Secretary of the Interior's Standards*
- working with preservationists to produce guidelines on lead-paint use
- revising the community development block grant fund to more easily encompass historic preservation and reuse
- revising the Davis-Bacon Act regulations
- modifying programs that promote urban sprawl and encourage reuse of historic buildings before new construction
- "encouraging communities to create comprehensive goals and action plans and to use these as the basis for requests for assistance from HUD"
- modifying the Federal Housing Administration secondary-market procedures to make available loans for the purchase and rehabilitation of an older structure⁶

Following this meeting, in June 1995, the Advisory Council on Historic Preservation issued a policy statement entitled, "Affordable Housing and Historic Preservation," which contained very similar information. This policy is aimed at promoting a "new, flexible approach toward affordable housing and historic preservation"⁷ and contains several Principles for Implementation for use in connection with the Section 106

review process. The main focus of this policy statement is to offer a comprehensive plan that allows greater coordination and integration for officials at federal, state and local levels who are working towards the combination of historic preservation and affordable housing. The Council suggested creating a training program for those agencies involved, focusing on coordinating Section 106 reviews, expanding the use of the Secretary of the Interiors' *Standards for Rehabilitation*, aiding in the maintenance and repairs of historic buildings, providing financial assistance for affordable housing projects, and integrating historic preservation into local consolidated plans.⁸ As a guide in applying these suggestions, the Council included ten Principles for Implementation within the statement. The Council recommended "empowering local officials" and using local preservation professionals to complete the review process, as the special needs and requirements of a project are probably best understood by a person familiar with the locale. They also emphasized the importance of considering the impact an affordable housing project has on the immediate neighborhood and making an attempt to incorporate the Secretary of the Interiors' *Standards for Rehabilitation* to protect the historic nature of a community. Since several agencies refer to the Section 106 review for eligibility for certain programs, the Council recommended streamlining this process to "ensure consistency of reviews and to minimize delays."⁹ The acceptance and use of these suggestions by officials at federal, state and local levels will most certainly help to slow down the flow of money and resources out of the deteriorating neighborhoods. However, when combined with other programs being initiated within other agencies, we may actually be able to revitalize and make these urban centers liveable once again.

As mentioned previously, The National Trust is also working to improve life in downtown areas, through the implementation of its Community Partners Program (CPP). CPP was formed to "guide public-

housing agencies, community-development corporations, and non-profit organizations committed to the revitalization of neighborhoods through the preservation process."¹⁰ The program is made up of four components: (1) offering public policy advocacy, (2) assistance to community based preservation groups in minority neighborhoods, (3) assistance to traditional historic preservation groups, and (4) real estate advisory services.¹¹

In the area of public policy advocacy, the National Trust suggests many of the same improvements of the Section 106 review and coordination efforts as the Advisory Council statement does. However, the National Trust also suggests improving the historic rehabilitation tax credit program (discussed later in this paper) as a more efficient tool for use in historic preservation and affordable housing.

Within minority neighborhoods located in "culturally significant" historic districts, CPP provides both financial and technical assistance to community based preservation groups. Many low income and minority neighborhoods have in the past been hostile to preservation efforts for a number of reasons. Most importantly, preservation often resulted in the "gentrification" of their neighborhood which then displaced the lower-income, minority residents. The Community Partners Program has been designed to avoid this by "encourag(ing) community participation in determining what and why a property should be designated as historic, and how it should be rehabilitated within the broader context of a neighborhood's comprehensive revitalization."¹²

CPP is also attempting to create partnerships between "neighborhood-based non-profits in low-income historic districts" that are faced with preservation difficulties and more "traditional" preservation organizations. CPP is willing to offer financial and technical assistance in the form of "financial packaging, real estate business planning, loans to seed a revolving fund, small grants for operating sup-

port, or help in developing leveraging agreements with local banks and city housing agencies"¹³ to participating organizations.

Real estate advisory services are also being offered by the National Trust to those projects that will provide case study opportunities for CPP in order to promote their public policy agenda and community development focus.

None of these policies mean much without any money to finance the suggested programs. There are several options available to groups interested in the combination of historic preservation and affordable housing. Community Development Block Grant funds, including the Section 108 loan guarantee, and HOME funds can all be used for this type of project. There is also a federal tax credit program specifically aimed at those projects providing low-income housing in a rehabilitated historic structure. The following section reviews those tax credits.

Combining Tax Credits

This program consists of two tax credits, the rehabilitation tax credit and the low-income tax credit. These can be combined to provide increased equity for investors to undertake the rehabilitation of a historic structure for use as affordable housing. Both credits have very specific regulations and can be quite complicated. However, the National Trust has published a book, *Affordable Housing Through Historic Preservation: A Case Study Guide to Combining the Tax Credits*, which outlines the program. Contained here is a brief review of the two credits.

The rehabilitation tax credit offers a 20% credit of the "qualified rehabilitation expenditures" for the rehabilitation of a "certified historic structure." A 10% credit is available for a non-residential structure first placed in service before 1936 which cannot be combined with the low income tax credit. A "certified historic structure" is defined as one that is listed on the Na-

tional Register of Historic Places, either individually or as a part of a district. A "qualified rehabilitation expenditure" is an expenditure that is chargeable to a capital account, not expensed, and is for additions or improvements to real property.¹⁴ To be eligible for a rehabilitation credit, the project must be approved by the National Park Service as having met the Secretary of the Interiors' *Standards for Rehabilitation*. This is an area where the coordination of the efforts of different agencies recommended above has made a difference. Compliance of a project with the Standards of Rehabilitation for the tax credit also clears that project through the Section 106 review which approves it for other federal funding such as CDBG and HOME monies.

The low-income tax credit is available for those projects that will provide housing to lower-income persons and that meet certain requirements. Specifically at least 20% of the units provided must be made available to persons earning 50% or less of the area median income, or at least 40% of the units for persons earning 60% or below the area median income. These units must also be rent-restricted, meaning that the rent charged will not exceed 30% of the residents' income. A 70% tax credit is allowed for non-federally-subsidized rehabilitation expenditures for a project that qualifies as "substantially rehabilitated." For federally-subsidized projects, a 30% credit is available for qualified expenditures, as well as acquisition costs. These percentages are increased to 91% and 39% by increasing the eligible basis by 130% if the project is within a qualified census tract area. For a project to be "substantially rehabilitated" it must meet the following requirements: "during any 24-month period, the rehabilitation expenditures exceed 10% of the adjusted basis as of the beginning of the measuring period" and expenditures must equal \$3,000 or more per low-income unit.¹⁵ This is all covered in much more depth in the publication from the National Trust.

Added leverage can be gained on a project by combining both of these credits. This is done by first reducing the basis of the building by the rehabilitation tax credit amount, and then figuring the low-income tax credit.

The combination of these recent policy changes offers exciting opportunities for organizations and agencies wanting to create positive changes in American neighborhoods. While a project may not utilize all of the preceding techniques, and in fact may use others not covered in this paper, the availability of several policies and resources allows the flexibility to choose those which are most appropriate to each project. The following section is a discussion of a successful downtown residential conversion program now underway in the City of San Mateo including the policy and financing options chosen.

SAN MATEO'S RESIDENTIAL CONVERSION PROGRAM

Once a thriving shopping and business district, by the mid-1980s downtown San Mateo faced a fate similar to that of many American downtown centers. The buildings were run-down, businesses were moving, and local clientele were shopping in nearby large malls. The Loma Prieta earthquake and subsequent upgrading of state seismic safety requirements added to this problem significantly. Business owners who wanted to stay in San Mateo were faced with the costs of seismically retrofitting the buildings they occupied, which many found they could not afford. Fortunately, the staff of the City of San Mateo both cared about the situation in the downtown area, and was creative enough to come up with a very successful solution.

In 1991, the owner of the Belmont building, a historically-significant structure in downtown San Mateo, came to the City for help in covering the costs of seismically upgrading the building. The City staff recognized that by converting underutilized

and difficult to rent space on the second floor to low-income housing, public funds could be made available for both the conversion and the seismic improvements. After much negotiation with the building owner and other tenants on the first floor, a public finance package was agreed upon. This conversion created six very low-income apartments available to those earning 50% or below of the area median income. Included in the finance package is a "rent regulatory agreement" ensuring that all the apartments will remain affordable for 40 years. It also requires that the owner provide the City with annual recertification of tenants' income, and that if a tenant's income increases to more than 80% of the area median, the apartment must be vacated within a reasonable period of time. The City considers this project a success for a number of reasons, perhaps most importantly because everyone seems satisfied with the outcome. Local residents are pleased that the low-income housing remains "invisible," the building owner is pleased that his second story is being utilized, and the tenants are pleased that they have affordable housing. Public financing for the project was divided between a Community Development Block Grant of \$600,000 and a Redevelopment Agency Housing Set-Aside of \$200,000 which covered both the residential conversion and the seismic upgrade for a total of \$800,000.

This process was repeated a second time with the Darcy building, which while it is not historically significant, is located within the historic district. A new facade was designed in keeping with the historic nature of the area, and eight very low-income apartments were created with similar restrictions and rent regulations. Funding for this project was provided by three funds: Housing Authority, San Mateo Redevelopment Agency, and San Mateo County Home monies, for a total of

"What a cruel irony it is to see a homeless person sleeping on the street in front of a vacant building."

\$1,650,000. This amount should cover the projected costs which include the residential conversion, seismic and fire sprinkling improvements, first-floor accessibility, exterior facade and soft costs.

The final project within the San Mateo Residential Conversion Program is the St. Matthew's Hotel currently in the planning stages. The hotel is currently operating as a single-room occupancy complex, and is planning to continue in that capacity. Plans for this project include seismic upgrades, providing an accessible elevator as well as two fully accessible studios and two new shower rooms on each floor meeting Title 24 and Americans with Disability requirements. Also included in the projected cost is the acquisition of space in an adjoining

building. The structure beside the hotel, a two-story building, is up for sale. Its second floor is unusable in its current state due to fire damage. The City plans to buy that building, join the two and provide additional units in the adjoining space as well. A total of 35 studio units and 23 SRO units have been designed for this space. Considerable attention has been paid to planning the construction so as not to displace any of the tenants, but simply to relocate them as natural attrition creates available units.

CONCLUSION

The preservation and reuse of historically or culturally significant buildings as affordable housing is an ideal solution to an increasing problem. It promises to revitalize the deteriorating centers of our cities by providing decent housing and desirable business locations, both of which will help turn the tide of people and money flowing out of these areas. It is reassuring to see that various organizations have put aside their differences and recognized that by working together they can be twice as

effective in the restoration of downtown neighborhoods. Perhaps William Delvac best expressed the potential of this concept when he pointed out in his introduction "(w)hat a cruel irony it is to see a homeless person sleeping on the street in front of a vacant building."¹⁶

APPENDIX A THE SECRETARY OF THE INTERIORS' STANDARDS FOR REHABILITATION ¹⁷

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes to a property that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

APPENDIX B - COMBINED CREDITS ¹⁸

ITEM	AMOUNT	EQUITY
REHABILITATION CREDIT		
Commercial Basis	\$ 500,000	
Rehabilitation Credit	x 20%	
Rehabilitation Credit for Commercial	\$ 100,000	
Housing Basis	\$2,000,000	
Rehabilitation Credit %	x 20%	
Rehabilitation Credit for Housing	\$ 400,000	
 Total Rehabilitation Credit	 \$ 500,000	
 Equity Yield for Rehabilitation Credit	 80¢	
 Equity from Rehabilitation Credit		 \$ 400,000
 LOW-INCOME CREDIT		
Housing Expenditures	\$2,000,000	
Less Rehabilitation Housing Credit	<\$400,000>	
Eligible Basis	\$1,600,000	
Low-Income Set-Aside	75%	
Qualified Basis	\$1,200,000	
Annual Credit %	9%	
Annual Credit Amount	\$ 108,000	
 Total Low-Income Credit	 \$1,080,000	
 Equity Yield for Low- Income Credit	 50¢	
 Equity from Low-Income Credit		 \$ 540,000
 Combined Equity		 \$ 940,000

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⁴ Delvac, William, F., Esq., Susan Escherich and Bridget Hartman. "Affordable Housing Through Historic Preservation." Washington D.C. p.22.

⁵ Delvac. p. 8.

⁶ Berke, Arnold. "It's High Time HUD Got Back In The [Preservation] Business." *Historic Preservation News*. December 1994/January 1995, 16.

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⁸ Affordable Housing and Historic Preservation Task Force. 1995, 2-3.

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¹² Keister, Kim. "Flex Policy: The Advisory Council Eases Criteria for Affordable Housing." *Historic Preservation*. September/October 1995, 16.

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¹⁴ Delvac, William, F., Esq., Susan Escherich and Bridget Hartman. "Affordable Housing Through Historic Preservation." Washington D.C. p. 11.

¹⁵ Delvac; p. 11.

¹⁶ Delvac, p.1.

¹⁷ Delvac; p.16.

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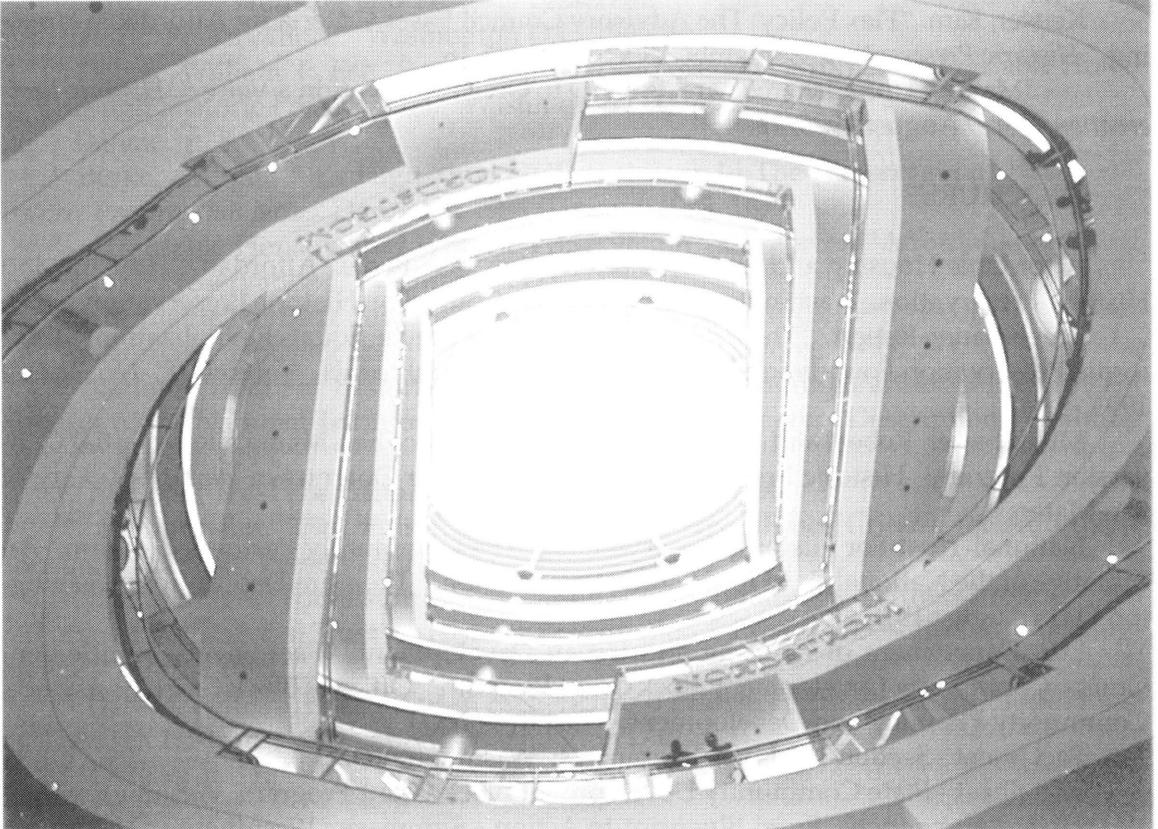


photo by Ron Lewis

Maritime Reuse Options for the Conversion of Hunter's Point Military Base

Stephanie Wiegold

In 1992, Hunter's Point Navel Shipyard was cleared for conversion from military to civilian use. The former military base is located on 522 acres and has 16,000 feet of pier space. The goal of the conversion process is to determine a viable reuse plan which will create an economic base for the region, as well as serve its needs. This paper examines the conversion process for one of five land parcels that makeup the former military site and analyzes the proposed plans for reuse.

Hunter's Point is a former military installation located on the Candlestick Point Peninsula in San Francisco. The site was primarily used as a ship building and repair facility during World War II. Hunter's Point was decommissioned in 1972, and remained inactive until Congress authorized the conversion of the base for civilian use in 1991.¹

Hunter's Point is currently managed by the US Navy, but will be turned over to the San Francisco Redevelopment Agency once the conversion process is finalized.² The San Francisco Redevelopment Agency, in turn, is expected to place the management of Hunter's Point under San Francisco Port Authority Jurisdiction. This paper provides an overview of the conversion process, gives a general description of Hunter's Point, and reviews the comparative advantage analysis that was done for the site. A discussion on the viability of the proposed civilian maritime usage options concludes this report.

THE CONVERSION PROCESS

The conversion process of military bases to civilian use is coordinated through a series of independent government and citizen review processes. Most military reuse conversion plans are governed by a review process established by the Comprehensive Environmental Response, Compensation,

and Liability Act (CERCLA). If a proposed conversion site is contaminated with residual toxic waste from military activity, the CERCLA process provides legislative access to SARA (Superfund Amendments and Reauthorization Act).³ The CERCLA review process usually coincides with an independent civilian or local government review process. Appendix 1 provides a diagram of this parallelism.

Generally, a military site under the conversion process is divided into land parcels, each with its own reuse plan.⁴ Each parcel then independently passes through the CERCLA process; its reuse plan is accepted or rejected on its own merit. Determining what remedial action needs to be taken to bring a conversion site into a usable state is the function of the reuse plan.⁵ Lengthy negotiations between the various interest groups and multiple revisions to a proposed reuse plan are common.

The last phase of the review process is obtaining a Record of Decision. At the Record of Decision stage, a final reuse plan is approved by both civilian and military interest groups. Once the reuse plan is approved, it becomes the official Record of Decision, releasing the SARA funds necessary for toxic waste clean-up. SARA funds can only be used to clean-up toxic waste, and

cannot be used for the redevelopment of a site.

SITE DESCRIPTION

Hunter's Point Navel Shipyard is located on 522 acres of Candlestick Point in San Francisco. It is a deep-water port with the natural eastern anchorage depth exceeding 50'. Maintenance dredging is needed at the wharf faces.⁶

Most of the shipyard's original 16,000 feet of pier space, 18 repair berths, and three dry docks are in total disrepair. Only Drydock 4 is considered salvageable.⁷ Built in 1943, Drydock 4 is one of the world's largest drydocks⁸, is capable of berthing Very Large Crude Carriers (VLCC), and is nuclear rated.⁹

Hunter's Point is divided into five land parcels, approximately 50-100 acres apiece, each at varying stages of the review process. The benthic environment is not incorporated into any of the parcels. Parcel A and Drydock 4 are grouped together as one parcel and is the only parcel that is currently pending a Record of Decision. The first reuse proposal for Parcel A and Drydock 4 was submitted to military and civilian interest groups for approval in June 1994, and is still under consideration. The *Maritime Use and Viability* section of this report discusses some of the reuse options for Parcel A and Drydock 4 that were proposed under the plan.

Approximately 2 million square feet of permanent buildings exist within Parcel A, near Drydock 4. Their physical condition and practical usage are undocumented, but are mostly large, sturdy structures.

Transportation Infrastructure

Korve Engineering of Oakland has been contracted to do a thorough study of air, rail, and road transportation surround-

ing Hunter's Point.¹⁰ Their final report can be expected in the immediate future. Initial observations, however, indicate that Hunter's Point is infrastructurally weak.

Hunter's Point is located about 1.5 miles from the Highway 101 and I-280 interchange, which is perhaps the most congested junction in the Bay Area. Access to the highway is via local streets designed for residential traffic; heavy trucks are not permitted. Alternate highway access routes will need to be constructed to accommodate the equipment and trucks that will accompany the development of Hunter's Point.

There are no existing freight rail lines into Hunter's Point. Southern Pacific rail spurs exist in the north near the Port of San Francisco and in the south by the Port of Redwood

City.¹¹ The extension of rail service into Hunter's Point is limited to the Southern Pacific line. There is no access to either the Union Pacific or Santa Fe lines, an existing disadvantage for the Ports of San Francisco and Redwood City. Tunnel height of Southern Pacific lines in the Bay Area also precludes the use of double-stack intermodal containers.¹²

COMPARATIVE ADVANTAGE ANALYSIS

Ideally, the goal of any military base conversion is to rebuild an economic base that is compatible with regional needs and capabilities. Because of this goal, a reuse plan is developed to take inventory of existing military base infrastructure and propose sustainable alternatives for civilian use.

In business, a comparative analysis is generally made of a given project's particular qualities with that of its micro-environment, its technical, economic, and market positioning. Similarly, military base conversion projects are often studied as a regional group so that a comparative analysis of the advantages and disadvantages of the indi-

"Ideally, the goal of any military base conversion is to rebuild an economic base that is compatible with regional needs and capabilities."

vidual sites can be readily identified. The *Hunter's Point Reuse Plan*, however, was issued on a stand-alone basis. No comparative analysis was made of other regional military base conversions, nor of existing civilian ports.

There are two separate conversion reports for Bay Area military bases: one for all regional military base conversion sites, excluding Hunter's Point, and one Hunter's Point. The critical elements of the evaluation criteria used in each report are discussed below.

Regional Military Base Conversions

The Metropolitan Transportation Commission's (MTC) report on *Military Base Evaluation For Civilian Seaport Development*, makes a comparative study of potential site developments of Mare Island, Treasure Island, Alameda Air Station and Annex, and Oakland Annex conversions. Hunter's Point was not included in the MTC analysis because the City of San Francisco wanted to make its own reuse recommendations.

The MTC comparative evaluation of regional military base conversions, excluding Hunter's Point, is based on seven criteria:

1. Land use compatibility
2. Land access
3. Environmental considerations
4. Institutional considerations
5. Supporting infrastructure
6. Available land, and
7. Water depth.¹³

Hunter's Point Reuse Plan

Appendix 2 provides a summary of the competitive advantages, and potential disadvantages, of the Hunter's Point conversion project as stated in the reuse plan. However, a reassessment of the criterion indicates there are few comparative advantages for maritime use at Hunter's Point. The following are some additional disadvantages of the site that were overlooked in the reuse plan:

- There are currently no berths, except Drydock 4, to receive large vessels at Hunter's Point. The construction of 2-3 break-bulk berths has been proposed by the San Francisco Bay Conversation and Development Commission, but has not yet been approved.¹⁴

- There is a storage and transshipment facilities glut in the Bay Area. The Port of San Francisco, for example, has so much vacant space that it offers extremely low rents, \$0.05/sf/month, in an effort to attract new tenants.¹⁵ Further, the current utilization average for all Bay Area ports is 42%, with 30-year projection figures indicating only a 70% occupancy rate can be expected by the year 2020.¹⁶ Increased development or financing of additional port facilities, such as Hunter's Point, is unlikely.

- Maintenance dredging is expensive, both financially and socio-politically. The current cost for Bay Area dredging is \$7 per cubic foot.¹⁷ Civilian opposition to dredging can also be expected to be extensive, and possibly legislatively prohibitive.

- Dredging creates fill, the funding and deposition of which are major problems for existing civilian ports. In addition, Hunter's Point is a hazardous waste hot spot; it is probable that benthic sediments are toxic.

- Hunter's Point is primarily made of Bay fill; seismicity issues may be problematic.

MARITIME USAGE AND VIABILITY

Appendix 3 provides a complete list of the maritime options proposed in the *Hunter's Point Reuse Plan*. Appendix 4 is a detailed grid of the existing Bay Area competitors of the proposed uses. Most of the maritime reuse options can be discounted as being economically unsound given the demand and structural limitations of Hunter's Point. In addition, the possible use of the site as a ferry/hovercraft terminal, or as a water-dependent industrial zone, is considered socio-politically unfeasible. The top two contenders for civilian use of Hunter's

Point is as a warehouse or as a ship breaking and salvaging depot. Both of these options are considered below in greater detail.

Warehouse & Storage

The conversion of Hunter's Point into a warehouse facility appears to be a viable option. A separate assessment of the physical condition of existing buildings is necessary, but it is expected to be favorable for storage or warehousing functions. The proximity of San Francisco and the South Bay makes Hunter's Point ideally situated to serve both as a light-industry warehouse or as a private-use storage facility.

A noted disadvantage is the lack of adequate road and rail transportation access. There is also nearby competition, the Tracy India Basin Industrial Park, which has some vacancy year-round.¹⁸ Finally, storage and warehousing functions employ relatively few people, and would not provide a substantial economic benefit for the community of Hunter's Point.

Ship Breaking & Salvaging

Ship breaking and salvaging operations in Hunter's Point would be the best conversion alternative for Parcel A and Drydock 4. Drydock 4 is perfectly suited for ship breaking, and has an existing hoist crane mounted over its berth.¹⁹ The buildings in Parcel A may also be readily converted into a materials processing center. Most importantly, ship breaking is labor intensive, and would create jobs for the Hunter's Point community.

Ship Scrap Prices

There are two broad categories for ship scrapping: merchant vessels and defense vessels. Within each category, there are numerous classifications of ship types, each varying in the quality and quantity

of scrap metal yield. Below, however, are a few generalizations:

Merchant: These ships are generally disposed of in third-world countries where environmental laws are lax. Merchant ships are usually smaller than defense vessels and yield lower-grade scrap metal per ton. The overall residual value, however, is higher than defense vessels because toxic abatement laws are nonexistent in many of these countries, or are not enforced. The average 1994 scrap price for merchant vessels was \$124 per ton.²⁰

Defense: Defense vessels are required by environmental and worker safety laws to be scrapped within the US. These vessels are generally much larger, and contain higher levels of hazardous material than merchant ships, but have higher-grade metals. Costly US toxic abatement laws preclude high residual value, making defense vessel scrap values much lower than that of merchant vessels. The average 1994 scrap metal price for defense vessels was \$40 per ton.²¹

Although road and rail transport infrastructure are lacking, material transport could be handled by barge, an environmentally friendly transportation mode. Additional environmental gains arise from using a drydock to ship-scrap. Most global ship breaking facilities scrap to the waterline while the vessel is berthed, allowing residual toxins to free-flow into the ocean. The use of a drydock facility to ship-scrap enables toxic materials to be contained and disposed of responsibly.

The timing is ripe for developing a ship breaking and salvaging business. The world's current fleet of tankers and dry bulkers are approaching retirement age. There are an estimated 200 million dead-weight tons of retired vessels that will need to be eliminated by the end of the century.²² There are also limited scraping facilities worldwide; fewer still that can handle very large, tanker-size vessels.²³

One potential problem area for ship scrapping is a depressed scrap metal market. Most ship scrap is low-grade and has

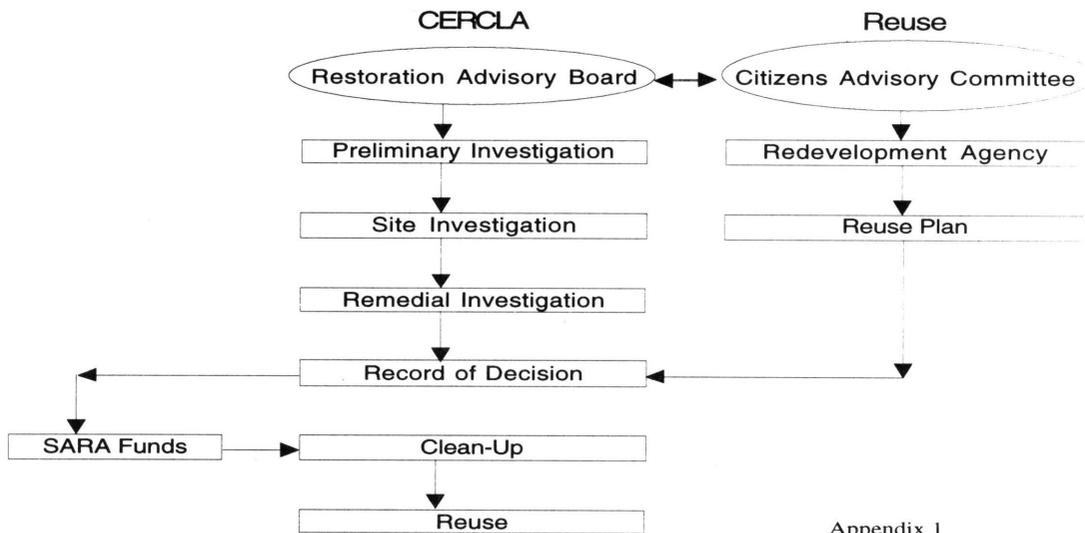
little demand in the recycled metals or steel industries.²⁴ Short of a zero residual investment strategy, one proposed solution to stabilize the scrap market is controlled demolition of aging vessels.²⁵ The information box on Ship Scrap Prices provides more information on the residual value of retired vessels.

Recently, the US Navy leased Drydock 4 and some of the buildings on Parcel A to the Astoria Metal Corporation (AMC), as a ship scrapping facility. AMC currently has approximately 50 full-time maritime workers at Drydock 4.²⁶ Growth projections estimate that this figure will increase to a total of 200 employees within the next couple of years.²⁷ Most of AMC's workers are graduates of Aboriginal

Blackman Union (ABU), a technical skill and placement business near Hunter's Point.²⁸

CONCLUSION

Environmental, economic, and socio-political considerations limit the conversion possibilities of Hunter's Point. The development of Hunter's Point into a ship scrapping facility appears to be the most viable conversion option, and could breathe new life into the surrounding community. The successful development of the ship scrapping industry at Hunter's Point is contingent upon protecting ship scrap prices. Solutions to stabilize the volatile scrap metal market should be further analyzed.



Appendix 1

Competitive Advantages for Maritime and Water-Dependent Industrial Use

The site has unique advantages for some maritime uses:

It is accessible to the largest vessels that can enter the Bay.

Port of San Francisco can use its legal powers to finance, administer & market the site.

Less maintenance dredging is required than competitive sites.

Little or no Bay fill would be required.

Backland area able to support extremely heavy foundation loads.

Potential disadvantages for maritime and water-dependent use:

Proximity to residential neighborhoods.

Probable future incursion of residential and institutional uses.

Long, uncertain, highly politicized planning & custody transfer process.

City ownership and control seen as a deterrent to long-term investment.

Source: Hunter's Point Reuse Plan

Appendix 2

Water Dependent Uses

Shipping

Container storage/transshipment

Ship repair/Breaking (Salvage)

Ship Building

Small Boat Harbor, Launching and Storage

Small Boat Building and Repair

Ferry Terminal

Tugboat Base

Oil Tanker Terminal

Hovercraft Terminal

"Free Trade" (Foreign Trade) Zone

Marine Construction Base (Piers, Oil Platforms)

Water-Dependent Heavy Industry

Marine Transportation Services

Water-Dependent Warehousing/Storage

Source: Hunter's Point Reuse Plan

Appendix 3

Bay Area Maritime Competitors

	Port of San Francisco	Port of Oakland	Port of Richmond	Port of Redwood City	Port of Benicia	Port of Los Angeles	Many Bay Locations	Shearwater, Vallejo	Herclues	Selby	Oleum	Concord	Antioch	City of San Jose	Martinez	Pittsburg	Fremont
Container Shipping	X	X	X														
Dry Bulk		X	X	X													
Automobile Terminal			X		X												
Container Storage/transship.	X	X	X														
Ship Breaking & Salvage	X	X	X														
Ship Repair/Building	X					X											
Small Boat Harbor							X										
Small Boat Building & Repair	X																
Ferry/Hovercraft Term.	X																
Tugboat Base	X	X	X														
Oil (petroleum) Tanker Term.			X		X				X	X	X	X	X		X		
Vegetable Oils Terminal			X														
Foreign Trade Zone	X													X			
Marine Construction								X									
Heavy Industry			X		X										X	X	
Transportation Services/Mfg.																	X

Appendix 4

Notes

- ¹ Bloom, Saul. "A Fair Shipyard Deal For The City." *San Francisco Chronicle*. 11 May 1992, A-15.
- ² Walquist, Ron, CEO, Astoria Metals Corporation, San Francisco. Telephone interview, 13 December 1995.
- ³ SARA is the federal funding source for the abatement of toxic sites, civilian or military, that pose eminent human health hazards.
- ⁴ The only known criteria for parceling a site are logical functionality and utility grouping.
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- ⁶ "Hunter's Point Shipyard Reuse Plan." Final Market Study Report, Office of Military Base Conversion, The San Francisco Redevelopment Agency, The Planning Department, City and County of San Francisco, 20 June 1994, 67.
- ⁷ Shirley, Christine, ARC Ecology, Arms Control Research Center, San Francisco. Personal interview. 16 November 1995.
- ⁸ 1,092' long, 143' wide, 53' deep.
- ⁹ "Hunter's Point Reuse Plan," 67.
- ¹⁰ "Hunter's Point Reuse Plan," 56.
- ¹¹ "Intermodal Report," Final Report, Metropolitan Transportation Commission, Oakland, December 1994, 38-39.
- ¹² Allen R. Wastler, "West Coast Ports Push to Maintain Edge in Intermodal Competition." *The Journal of Commerce and Commercial*. 20 April 1993, C-17.
- ¹³ "Military Base Evaluation For Civilian Seaport Development." Final Report, Metropolitan Transportation Commission. Oakland. November 1994, ES-2.
- ¹⁴ "Military Base Evaluation For Civilian Seaport Development," 62.
- ¹⁵ "Hunter's Point Reuse Plan," 69.
- ¹⁶ "Intermodal Report," A-3.
- ¹⁷ Allen R. Wastler, "Oakland Faces Environmental Threat In Struggle to Deepen Its Channels." *The Journal of Commerce and Commercial*. 26 May 1992, B-5.
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- ²⁴ William Dibenedetto. "Abandoned Vessels Clutter Waterways in US, GAO Says," *The Journal of Commerce and Commercial*. 16 June 1992, B-1.
- ²⁵ Porter. "Questions Over Scrap Metal," B-1.
- ²⁶ Henry Bordner, Facilities Coordinator, Astoria Metal Corporation, San Francisco. telephone interview, 04 December 1995.
- ²⁷ Walquist, telephone interview, 13 December 1995.
- ²⁸ "The Reuse of Drydock #4," *Environmental Clean-Up News*, United States Navy, Hunter's Point Annex. April 1995, 2-3.

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Medicaid Reform and Its Effects on California

Nadine Mundo

The proposed change in Medicaid financing from a Federal entitlement program to block grant allocations threatens the health security of many of the urban poor. This article explores the proposed new method of funding and introduces some of San Francisco's unique responses to this possible crisis.

Medicaid, a government program which provides health care for the poor, uninsured and elderly is going through dramatic changes. It is estimated that between 1996 and 2002, national Medicaid funding will be cut by twenty-five percent, (\$180 billion). Due to these cuts, one in five beneficiaries nationwide will lose coverage by 2002. These beneficiaries include 6.3 million adults and children, 920,000 elderly, 1.2 million persons with disabilities, and 350,000 nursing home residents.¹ In California alone, \$3 billion will be cut, resulting in a 21% decrease in Medicaid spending.

Under the proposed health care reform plans, costs and responsibilities of Medicaid will be transferred to individual states through the federal block grant program. In order to reduce costs, most states will integrate Medicaid recipients into a managed care network. These changes will have extreme impacts on providers that serve Medicaid beneficiaries and the recipients themselves. Because states are allowed to dictate the continuation or dissolution of certain health care services and eligibility requirements, and because block grants do not take into consideration an increase in illnesses and diseases, many people could be left uninsured with no guarantee to health services.

FEDERAL BLOCK GRANT PROGRAM

In order to reduce Medicaid spending, the National Governors' Association (NGA) has proposed the federal block grant program, otherwise known as the Medi-grant program. The Medi-grant program would give individual states a fixed amount of money in one lump sum or over a two- to three-year period. The amount of block grant payments to each state will be based on past Medicaid spending within that state.

Under the Medi-grant program, many federal requirements governing how the money is spent would be eliminated. States would be responsible in determining how and where Medicaid funds are spent. For instance, states are not required to give money to already existing programs funded by the federal government. The state of California is not obligated to provide services such as dental care, mental health services, prescription drugs, health education, and many social services. California is only required to provide "services for immunizations and pre-pregnancy family planning."²

Exacerbating this problem, the block grant program fails to recognize many changes that states may go through. For instance, an increase in demand for health care

brought on by illnesses which would require more spending may not be taken into account. In California, an increase in the incidence of AIDS/HIV infections, and reemerging diseases such as tuberculosis has already resulted in increased demand for health services. For San Francisco in 1994, AIDS was the leading cause of death in men. Because Medi-grants are based on past spending, were another increase in demand to occur, the fluctuation would not definitely be compensated for by an increase in funds.

States are also allowed to determine and redefine eligibility requirements for Medicaid. In order to reduce costs, states may remove a significant number of people from Medicaid eligibility, by redefining what qualifies as a disability and what income levels are eligible for assistance. Medicaid, ceasing to be an entitlement, would put many impoverished children, pregnant women, elderly and disabled people in jeopardy of losing health care coverage.

In order to reduce spending, many states will integrate Medicaid recipients into managed care. Managed care is defined as a "planned, comprehensive approach to the provision of health care which combines clinical services and administrative procedures within an integrated, coordinated system."³ Simply put, managed care integrates providers, insurers, and purchasers of health care under one roof. Medical decisions and costs are controlled by the insurance companies. In essence, this type of system has corporations and businessmen defining medical guidelines instead of medical schools and doctors.

Under managed care, consumer protections guaranteeing access to quality care are repealed by the Governors' new proposal. An article by the Families USA Foundation well defines the impact of the elimination of health care consumer protections. "Without such protections, there will be no stan-

dards regarding qualifications of doctors or other health providers, no standards to ensure that beneficiaries--especially those in rural areas--have adequate access to providers, and no limits on the number of beneficiaries one managed care plan could serve."⁴ This will hit vulnerable populations such as the disabled and elderly especially hard. Medicaid recipients may receive inadequate access to and quality of health care, if any care at all.

"In California, an increase in the incidence of AIDS/HIV infections, and re-emerging diseases such as tuberculosis has already resulted in increased demand for health services."

THE SAFETY NET

The term safety net refers to social services provided for low-income groups that are uninsured or partially insured. The main safety net organizations and/or policies for indigent populations include Supplemental Security Income

(SSI) disability benefits, Medicaid, public hospitals, Food Stamps, and Aid to Families with Dependent Children (AFDC). According to the National Association of Public Hospitals (NAPH), over thirty-three million Americans do not have any type of health insurance while many millions more have only partial insurance.

Safety net hospitals play an important role in the health care system of this country; they provide services to all members of their communities, regardless of socioeconomic status. These services include inpatient and outpatient care, trauma care, neonatal intensive care, high-risk pregnancy services, AIDS care, drug and alcohol abuse rehabilitation, and mental health services.⁵

Under the National Governors' Association (NGA), proposal for health care reform, safety net hospitals, Medicaid beneficiaries, and uninsured people are all threatened. Governors, seeking to maximize federal funding, give themselves the flexibility to cut their own Medicaid budgets.⁶ Inadequate funding from the Medicaid system could adversely impact safety net hospitals that serve Medicaid beneficiaries, resulting in lower quality and less access to care for

low-income or moderate income populations.

Disproportionate Share Hospital (DSH) payments are funds given to hospitals that serve a disproportionately high number of low-income people. The Federal Government has traditionally reimbursed safety net hospitals for providing services for non-paying patients. Medicare and Medi-Cal patients account for fifty-four percent of Northern and Central California hospitals' patients. These hospitals bear more than one-third of the total cost of caring for Medi-Cal patients because government reimbursement is not adequate to cover these costs.⁷ Under the Governors' proposal all health plan and provider reimbursement protections would be eliminated. Because DSH payments are not assured, safety net hospitals would not adequately be able to serve their large number of low-income patients. Safety net hospitals that are located in areas where many Medicaid beneficiaries live would be most severely affected. Medicaid recipients' access to quality care could be compromised, resulting in inferior treatment or no treatment at all.

According to the Hospital Council of Northern and Central California (HCNCC), major causes of escalated operating costs are due to changing market conditions and inadequate reimbursement. Admissions and lengths of stay in hospitals have lowered, which has translated into "greater daily expenses per patient per day because the same level of technology, equipment and services must be available whether they are being utilized or not."⁸ Further, the changing roles of managed care and hospitals have contributed to escalated operating costs. Managed care entities often negotiate reimbursement rates and schedules which barely cover the hospital's cost of providing service. The HCNCC goes on to say that government reimbursement, failing to keep pace with inflation, does not cover the costs of services provided for Medi-Cal and Medicare patients. According to the Hospital Council, "This is a function of a political process

driven more by concerns for budget deficits than for health care policy."

In Northern California, Bay Area Hospitals will undergo cutbacks, mergers and closures with or without health care reform. Eighty-eight hospitals in the Bay Area, not including Kaiser, reported \$156 million in operating losses in 1990 alone. The HCNCC predicts that by the year 2000 enough beds to sustain more than fifteen hospitals will be lost. Currently, Bay Area hospitals have a vacancy rate of fifty percent.⁹

While private hospitals are reorganizing in order to raise profits, public hospitals with reduced federal funding will not be able to compete. In San Francisco, Pacific Medical Center plans to eliminate 1,000 positions, its California Street campus, which was the Children's Hospital in 1991 will "virtually bail out of the inpatient business."¹⁰ Columbia Healthcare Incorporated and Hospital Corporation of America chains are planning to merge. The new, merged company will operate one-hundred and ninety hospitals. It will be the world's largest investor owned hospital chain. As a chain, it will be able to offer lower prices and compete for business. Public hospitals such as San Francisco General, which cares for sixteen percent of the city's population, or 120,000 people, will not be able to compete for high-paying, insured patients.

The safety net infrastructure is deteriorating to the point that delivery of care to major portions of the population is now in jeopardy. According to the NAPH, the average capital expenditure per bed for urban public hospitals and private hospitals differ greatly; \$12,600 per bed and \$23,500 per bed, respectively. Furthermore, the average age of the buildings of public hospitals is twenty-six years while the average for private is seven years.

Because safety net hospitals are often the only health care providers in inner-city communities, they must be preserved. Many private hospitals and hospital systems have relocated to the suburbs but safety net hospitals continue to be located in central areas. Urban safety net hospitals guarantee

access to inner-city patients, treating patients that are often ignored by other health care systems. These populations, with increasing medical and social needs, are growing. Due to poor preventative care and lack of access to care, many poor people delay seeking medical attention until they are extremely ill. These people also face a number of problems related to poverty that contribute adversely to their health. Homelessness, unemployment, unsafe neighborhoods, and lack of adequate education all exacerbate the health problems of lower-income communities.

AFFECTED POPULATIONS

Under the National Governors' Association proposal for health care reform, states are to define who is eligible for Medicaid and which services will be included. Although the proposal has a list of services that states must provide for Medicaid beneficiaries, there is no guarantee that beneficiaries will be covered because the proposal "gives states total discretion over the amount, duration, and scope of such services."¹¹ For these reasons, many millions of Americans could lose adequate health care coverage or might not be covered at all. Families USA warns that states could meet the hospital services requirement by including only a limited number of covered days in the hospital per year. The new proposal does not assure Medicaid recipients an adequate level of service because states are not required to follow strict federal guidelines that reasonably meet the needs of the poor.

Under the proposal, Medicaid recipients are not guaranteed equal medical treatment either.¹² States do not have to follow the guideline that patients must receive comparable benefits for comparable medical needs. For instance, states can offer a comprehensive level of service to a cancer patient while offering a limited number of services to someone with a comparable illness such as AIDS.

Families USA goes on to say that benefits for the entire year are not guaranteed. If the state runs out of money in the middle of the year because of a budget shortfall, it could cut service to Medicaid recipients. Because states are not allowed to draw from federal umbrella funds to make up for unexpected costs, the state will either have to pay from its own money or discontinue service. Most likely, service will be discontinued, and Medicaid recipients will pay the ultimate cost by not receiving coverage. Furthermore, states are not required to provide medical treatment for sick children. Families USA points out that a Medicaid provider could diagnose a child with a complicated, serious illness; but not provide treatment because the state will not pay for it.

Optional benefits such as prescription drugs, clinic services, prosthetic devices, hearing aids, eyeglasses, and dental care are also not required under the Governors' proposal.¹³ Many states are already reducing these benefits, leaving needy populations with few guarantees for optional services.

While states can set the amount, duration and scope of benefits, they can also determine who receives benefits. Elderly nursing home residents are not guaranteed coverage under the Governors' proposal. The state can choose whether to include this population into its Medicaid program. If the state does cover elderly nursing home residents, certain protections are not assured under the proposal. These protections include: "an assurance that the spouse of a nursing home resident can keep enough income and assets to live at home; an assurance that adult children of nursing home residents will not have to impoverish themselves to pay for their parents' care; and an assurance that the state will not take the nursing home resident's house or put a lien on it if certain family members still live there."¹⁴

Because states will be allowed to define what constitutes as disability, many disabled persons may become ineligible for

Medicaid coverage. Disabled people who are currently covered by federal guidelines may lose coverage, while people who become disabled in the future may never receive coverage under new state definitions. Families USA explains that states can decide that people with AIDS do not meet the criteria for disability or that only people who are bedridden qualify as disabled.

Parents and older children on AFDC who are now automatically covered by Medicaid may not receive coverage under the new reform. States can choose to cover people who meet AFDC requirements or they can provide Medicaid insurance for people who are eligible under a new welfare program that has yet to be defined. In essence the states will make their own choices about what income and assets count for welfare eligibility. This in turn allows states to define which people under welfare will receive Medicaid. Families USA predicts that many parents, mainly low-income women, and teenagers will lose coverage.

SAN FRANCISCO RESPONDS

San Francisco has come up with two responses to the expected and already existing problems of health care reform. These responses are the San Francisco Community Clinic Consortium and the San Francisco City Health Plan. Both of these plans take into consideration the growing needs of people who cannot afford health care services.

The San Francisco Community Clinic Consortium was conceived in 1982 by established community clinics throughout the city. The Consortium was set up in an attempt to help these neighborhood clinics provide high quality services to their communities in a more cost efficient and united way. Consisting of ten member clinics, through an integrated network of pro-

grams and services, the Consortium serves over 65,000 people each year—9% of the city's total population.¹⁵

In response to the proposed Medicaid cuts, the Department of Health Services (DHS), mandated that San Francisco set up a managed care system for its Medi-Cal patients. Medi-Cal recipients will have the option of two different health care plans. One will include a private/public collaborative health maintenance organization (HMO), comprised of traditional "safety net" providers including community clinics, known as the San Francisco Health Authority. The other one will consist of a private, commercial HMO, such as Kaiser Permanente or Blue Cross.¹⁶ The Consortium will work with both of these plans in order to ensure quality service to Medi-Cal patients.

Targeting specific neighborhoods, the clinics of the San Francisco Health Authority are able to offer care that is sensitive to the needs of their particular community. The clinics offer a wide range of services including mental health, dental and vision care, primary care, educational and social services. The Consortium addresses the needs of the elderly, women, children, teens, the homeless, the HIV/AIDS population, and specific ethnic minorities. For instance the Consortium's North East Medical Services (NEMS), offers culturally appropriate services for the Asian community, reaching over 20,000 predominately Asian patients a year.¹⁷ Other clinics include Haight Ashbury Free Clinic, Lyon-Martin Women's Health Services, and seven other specialized clinics located in San Francisco.

By providing accessible, affordable quality care to people regardless of their socioeconomic or health status, the Consortium is a hopeful program in the changing climate of our health care system today. Dedicated and committed to their communities, the clinics address problems

"Public hospitals such as San Francisco General, which cares for sixteen percent of the city's population, ... will not be able to compete."

associated with AIDS, tuberculosis within the homeless community, isolation of the elderly, and violence and drug abuse within a number of neighborhoods. The Consortium offers cost-effective, high-quality care that is beneficial both to the patients and the public at large.

Another program that the city of San Francisco has proposed is the San Francisco City Health Plan. Drafted by Mayor Willie Brown, the plan will be a government directed system that offers health coverage with three major goals: access for every resident, comprehensive coverage, and a choice for consumers.¹⁸ The plan will be funded by a large single trust, consisting of money from federal and state programs, participating employers, city funds, and subscriber's premiums. The plan hopes to provide insurance for every single person within the city and save money by offering an alternative to more expensive form of service such as emergency room care.

CONCLUSION

The health care system in the United States is going through dramatic changes that will affect us all. Medicaid reform will have severe impacts on individual states, safety net health institutions, and of course Medicaid recipients. The proposed block grant program will enable states to reduce spending by cutting funds to public safety net institutions, offering fewer services, narrowing eligibility for Medicaid, and introducing managed care. However, Medicaid reform, which is solely implemented from an economic perspective, does not address the real issues of health care reform. In the end, the people who are most in need of health care are the ones who will be neglected.

Notes

¹ "A Summary of the Impact of Medicaid Block Grant on Long-Term Care Services." Urban Institute and the Department of Health and Human Services.

² "Medicaid Provisions in the Final Reconciliation." Families USA. 1996.

³ "California Health and Human Services Plan for Expanding Medi-Cal Managed Care." 1992.

⁴ "What Does the National Governors' Association Proposal Mean for Medicaid Beneficiaries?" Families USA. 1996.

⁵ "The Role of Safety Net Hospitals in our Health Care System Today." NAPH.

⁶ "What Does the NGA Proposal Mean for Medicaid Beneficiaries?" Families USA. Feb. 1996.

⁷ "Redefining Hospitals: New Rules, New Roles." Hospital Council of Northern and Central California. 1994.

⁸ *ibid.*

⁹ Krieger, Lisa, *San Francisco Examiner*, "Hospitals Brace for Survival Test." Oct. 1993.

¹⁰ *ibid.*

¹¹ "What Does the NGA Proposal Mean for Medicaid Beneficiaries?" Families USA. Feb. 1996.

¹² *ibid.*

¹³ *ibid.*

¹⁴ *ibid.*

¹⁵ San Francisco Community Clinic consortium, "Case Statement" June 1995

¹⁶ *ibid.*

¹⁷ Shalala, Donna, Health and Human services Secretary, S.F. Clinic Consortium, June 1995.

¹⁸ San Francisco Examiner, "The City's Health Plan: Lifetime Care For All" Aug. 1996

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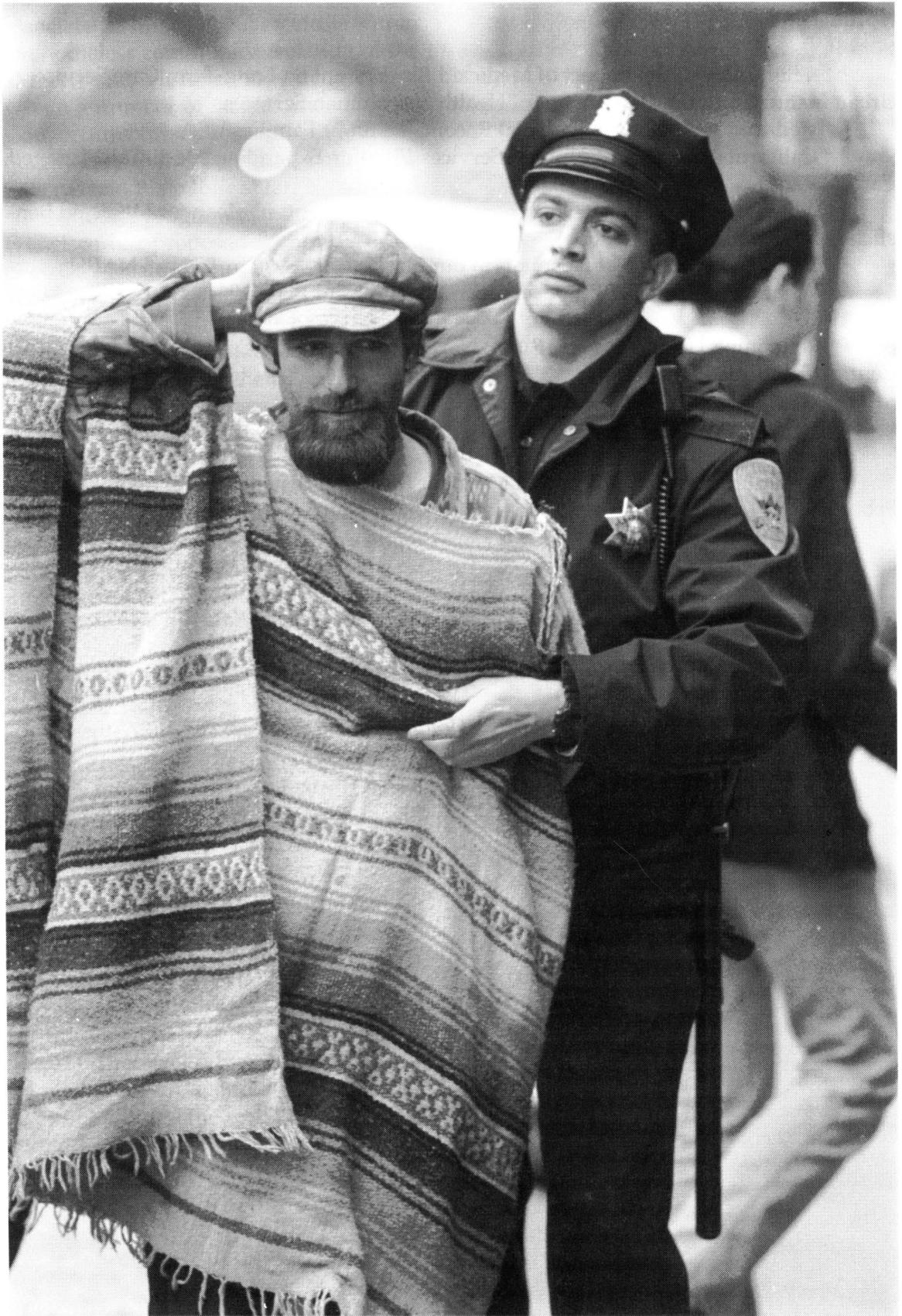


photo by Chris Rath

Un Cubanito at the Multi-Sexual Poli-Gendered Show and Tell Shuffle

Fernando Socorro

Essay

Just once I'm going to say the official title: The San Francisco Lesbian, Gay, Bisexual, Transgender Pride Parade. Se acabó. See, here it is "The Parade." "Are you going to 'The Parade'?", o si no, "I always have so much fun at 'The Parade', the weather is always perfect!", y tambien "I saw you at 'The Parade' Sunday, running around with your camera." Y ou get the idea. It really isn't just for anyone outside the Heterosexual parameters, it is for almost everyone who enjoys celebrating the bizarre and outrageous, most often accented with an uproarious sense of humor. Y no es like the Orange Bowl, que va! Here a parade es mas bien a gathering of small groups that strut their stuff, with shoestring budgets and creativeness being the foundation on which the party is set. In a city where people demand to be noticed, where each individual asserts his right for others' attention (y despues we think we are escandaloso!), which can sometimes become a struggle that gets out of hand, these parades ("Carnaval" being the Latin community's equivalent) guarantee that you will get noticed.

Last year, I really didn't feel like going to "The Parade," the idea of getting mauled by a crowd while watching a bunch of clowns grab their 15 minutes of fame didn't seem like much fun, so I went Downtown on Muni (crammed full of passengers, zoom-

ing through the tunnel) and peeked through the crowds as "Dykes on Bikes" growled by. An impressive sight indeed, but I just wanted a couple of t-shirts commemorating the Bay to Breakers, which were on sale at Nordstom's. I bought them and fled the party zone, again on a packed Muni, although not as bad as the Inbound.

On Sunday I was supposed to meet up with some friends at about noon, next to the Marriot construction mural downtown, so I headed out to Market, backpacked with camera and five rolls of film, 10:30AM. I followed the crowd plodding along the sidewalks, zombies to be brought back to life by the festivities, seduced by the core of energy; Downtown San Pancho. "The Parade" runs from 9th street to the Embarcadero on Market, about two miles, and the Embarcadero and Justin Herman Plaza are filled with booths. As I was letting the multitude carry me along, I noticed that in the Civic Center the marchers were gathered, preparing for the festivities (and festive festivities they are, de verda'). I fled from the flock and walked toward all the activity and color (tu sabe', we Cubans are drawn to color like flies to flames - asi vivimos: envuelto en llamas).

On the periphery there was not much out of the ordinary: balloons, people laboring away, trucks being decorated, a couple of faux street cars, and one of the Sisters of

Perpetual Indulgence wearing shorts and roller skating through the hubbub (un flaquito in monja drag, with Vampirella Extreme make up, part of a group that is an institution here - they do lots of charity work and fund raising for people with AIDS, they all wear the same type of get up around the Castro). Then there was the bright yellow Ryder truck with a cargo of bright red outfitted bell hops primping and polishing for their strut under the spotlight, pero... ...ño! I was not ready for the open spaces in front of City Hall and the new Public Library Main Branch building, where there were throngs of characters getting motivated and made up, such as the women on bicycles that were removing their tops and painting their exposed upper torsos, seemingly oblivious to the attention they were attracting, with plenty of shutterbugs exposing their celluloid strips to the light and the psychedelic, groovy '60s ornamented skin. Mucho bicycles, mucho tattoos, mucho balloons, mucho primary-colored hair, and exposed flesh como loco (and a lot of flesh that should have stayed well hidden, and judging by the cadaverous skin tones, usually is), accented with leather and chains and tulle and tafeta (habia una dragoona in miles of lace and layers of make-up, so scary que le metia miedo al espanto, desperately asking directions, entourage in tow), a really hot pink Cadillac Convertible ('59, creo)(mucho respeto!) and un sol que rajaba piedras, the weather was hot, summers here are cool and foggy, but this almost felt like Miami, pero... ...casi, but na-ah. Y claro, punto fijo as always, the Dykes on Bikes, all primed and pumped. I'd say there were a thousand motorcycles, all lined up, several rows deep, all the machines kickstanding and shining and resting up, all the women cavorting and carousing and ready to rumble. All of a sudden, they started to mount their machines and crank them up. The growl, the low, ferocious, guttural roar me erizo. They rode

***"Y no es
like the
Orange
Bowl,
que va!"***

off, signaling the official beginning of "The Parade," as they always do. I was much more impressed than I'd expected, yet I should have known I'd feel that way, having been a biker for over three years. I still long for all that horsepower between my legs.

I struggled to keep my legs from turning to jelly during the D's on B's opening, and I began my trek up Market, beginning with a peek at the open air trolley float, a unique classic on wheels, awaiting Mayor Willie Brown, and then up the thoroughfare, ignoring, for the most part, the strutters, and taking in the energy and panache of the observers. Again, this is not the Orange Bowl, this ain't Calle Ocho tampoco. You can indeed walk around the sidewalks and not be trampled.

But the people! The funny thing is that you wouldn't know that it was an outer fringe event, there were mostly rather tame spectators, not all that many get ups that would stand out any time of the year, and especially here, in San Pancho, where the stranger the better is the norm, to the point that you have to be very far out to really stand out (or at least once you have been here for a while you get accustomed to it). Claro, tourist's eye-popping reactions are a dime a dozen, and also, of course, all those characters eat it up. Del carajo, I tell ya. (Last night I was watching "Rhoda" on Nick at Nite, and the episode dealt with really bizarre people and the fact that they expose their outrageousness as a means of saying hello, of being noticed. Coño, here they are greeting everyone a grito pela' o. No joda. They yell hello in your face, constantly, so that after a while you kind of block them out, almost...) I strolled among the humanity and had a blast, looking for those moments or circumstances that were natural, extemporaneous, real. Posers are a dime a dozen, especially out here. I eventually lost what little interest I had in "The Parade", and absorbed the crowd's nuances and flair. Funny, but it was almost like any old day along the side-

walks, with the exception of the people lined up to ogle the marchers (draggers?, not really an accurate description, since many of the folks in the parade itself were in Anywhere USA street clothes, tremendo concept here in San Pancho) and the homeless, derelicts and characters that are always present, they have squatter's rights (dibs, vaya). What made them stand out a lot more was their reduced numbers, most of their population choosing to relocate, y no, I haven't the foggiest... ..get it? San Francisco, foggiest... ..OK, no joda. Cendo pujo, I know.

On the street, parading along, was a Wonder Woman Wannabe that did knock my socks off. Imagine (if you can) a slimmed down (but not by much) Harvey Feinstein in Mujer Maravilla drag walking down Market Street. Even in San Pancho, on "Parade" day, Madeline Albright would agree, that is cojones.

And the things people sit on! Coño, I mean what they'll sit on to get a good view. There were people perched on top of the clear plastic bus shelters, the walls for the Muni and Bart entrances, trees, RVs and vans (sun-block-protected flesh casually draped over lawn chairs, brewskies firmly in hand and more frias chilling in the 99¢ styrofoam ice chests completing that vignette), wood construction walls, statues, each others shoulders, pedestrian crossing signals, and one woman shooting photographs while sitting on a one inch wide no parking sign. Yikes! There were also people standing on ledges and planters and one woman who had one foot precariously on the grouting on a wall and the other on a man's shoulder, while she tried to hug the corner of the building to keep her balance and see as much as she could. Por supuesto, there were also lots of people hanging out of windows, waving and screaming and laughing and, well, acting like everyone else does at gatherings such as this. After all, "The Parade" is just a parade.

In the real character realm, there was this young couple that was in de rigueur military surplus and top soil garb, dirty spiky hair and lack of maturity beaming

from their pores, even through all the grunge. She was cute, light skinned, dark demeanored, and he had a mischievous grin plastered (?) to his face while he escorted her, actually directed her every step, because he was carrying the handle of the leash clipped to the doggy collar that adorned her neck. What made these two stand out was that when they were about to cross in front of me as I was aiming my camera, instead of posing for me or blocking the view, he pulled down on her leash and they both ducked, affording me the chance to snap in peace. I was, from that moment on, looking for them to capture their image, but de 'so nada. Their ingrained politeness and consideration was too bizarre, although I have found that often the well-mannered and considerate people are the most menacing-looking ones, as long as you don't cross them. The leather, tattoos and piercings are on skin, and it may well be their way of seeing if you are able to go beyond the façade, if you are confident enough, maybe even trustworthy enough to see them as they are and not run. When we don't understand something, we become frightened and tend to lash out and attempt to destroy the unknown, the different.

And then there was Willie. Da Mayor. Has un tremendo queme, he himself being a character, all dapper and dignified and steely stance, un político. Mayor Brown is proud of his affinity for pomp and circumstance, he is (cuts) a fine sartorial figure of affluence and power, he is a catalyst that is sure to create, cause a bang. The media loves his every move, but he is also a mediator, a creator of balance. I may not always agree with him, but things get done when he is involved, and in this city where everyone has to be satisfied by every minimal deed done by City Hall, he is a most welcome addition. He was riding the open air trolley I had seen earlier, wearing a snazzy straw hat and smiling and waving, el nunca has shied away from the spotlight, having more than his fifteen minutes share. I don't begrudge him his extended bath of brilliant light, because he is so much fun to watch, and I am not the only one who feels this way,

he is a man who has worked arduously, earning his share of public attention, having been a member of the State of California Assembly, where he was the Speaker for several years, and now winning his first term as Da Mayor. El es tremendo cabrón, and con orgullo!

Getting to the end of "The Parade" route, as the marchers kept coming, and the makeshift floats kept rolling (from 11AM to 3PM, four hours! - but, they stop the frivolity at several intersections and let traffic cross every few minutes - te lo digo, they are just way too fair here) I ambulated onto Justin Herman Plaza at the end of Market, where the info and merchandise booths were set. The beautiful, modern fountain in the plaza was flowing and glowing in the sunlight, with many people cooling their dogs or taking a dip in the waters, carefree and frolicking and exposing more flesh. There was also a stage set for performances. The Ferry Building was beautiful, with the Embarcadero closed off and booths and a stunning Lady Liberty hand holding a rainbow conflagration torch sitting in front, glittering in the sol, seeming a prism that defracted light and spread the color spectrum everywhere around it. Mucho color, vaya, way mucho rainbows, on all kinds of merchandise, banners, t-shirts, streamers, kites, caps. The Bay Bridge (not as famous as the Golden Gate, but older by a couple of months, and bigger) lent a perfect frame to all this, to the east. In the west, Coit Tower was in the background, up on the hill and majestic as ever, one of the best (of many) vista points, with killer Bay views. Some of the booths were a bit on the risqué side, for example, one of them was for "Kink Video", a company that quite obviously specializes in exactly what its name implies, with graphic photographs of sexual activity on view, with no censoring dots or tape covering aroused genitalia or exposed and/or probed, gorged orifices. There may have been one or two more that were that explicit in plying their wares, but I didn't see them.

And speaking of kink and having mentioned dime a dozen posers, there were two women acting out an S&M fantasy. One, down on all fours, doggie style, butt up in the air, black leather chapped knees scraping the gravel, forearms straining against the heat from the asphalt to keep her handcuffed wrists enclosing her mistress's black leather booted feet, which she licked with gusto, with reverence, while her owner proudly flaunted her power over the perra puta at her beck and call. The farce was being presented for a man with a willing camera. I tried to capture the pretentious act of voyeurism, watching the watcher watch, but the dominatrix apparently was not pleased by my ultimate act of voyeurism, and control, watching and recording without her permission, and as I set up my camera, she yanked her puppy's chain and moved on... ..oh well. (I love to photograph people taking pictures of others, it is the ultimate act of voyeurism, watching the unaware watcher. Que clase 'e cerebro!)

Bueno, you may well ask, donde estaban all the kids, or were there any at all being exposed to all this perversion and being seduced by the debauchery, by all the Sodom and Gomorra-ing. Well, The City is not for kids. I have always been struck by the eeriness of the lack of kneebiters. Then you have the fact that for the most part there seems to be a very liberal view of what happens here and the fact that there are many same sex couples raising children either as a product of previous heterosexual unions or through arranged fertilization, wherein the partners, or at times an individual, uses some form of surrogacy to become a parent. There were some children at "The Parade," but in a family group, all beaming security and love. I know I am not in the position to judge, so I felt very comfortable with their limited presence.

I eventually had to go back home, at 2:30 PM, having to go to work that night, and knowing full well that Muni would be packed. (Comedian David Steinberg many

years ago told a joke about a guy on a NY subway at 5pm weekday rush hour who has a heart attack and dies in the humanity-jammed train and is kept in the standing position by the crowd, not only in the car, but also all the way up and out to the street, where the crowds just took him along... ..well, I didn't think of dying - not that time, anyway - but I did cogitate the possibility of taking a propped-up nap while I was heading - standing? - through the tunnel, back home, and con tremendo calor, there is no AC on the trains!) I made it home, safe, sound, and pretty much morally intact (although many of my acquaintances would argue that I never have been morally intact, indeed, that I've never been moral), and ready for work.

DOS ANECDOTES...

...The "Silver Guy," the one on the bicycle, painted silver, wearing a multi-colored tutu thing, was spotted by someone who was curious and courageous enough to approach him and inquire if he was silver all over, everywhere. The "S Man" (Tu no sabes how I had to fight the impulse to call him "SM" right now!) re-

plied yes and pulled down the front of his tulle skirt, revealing his Silver Genitalia, in full splendor and view of all around him. I received further details from the witness to this spectacle regarding proportions and exchanges of phone numbers and several photographs being taken, but I refuse to go into details.

...A young woman of my acquaintance was leisurely taking in all the day had to offer when she saw a male couple wearing nothing more than a hanky over their privates, and one of them proceeded to play a friendly game of hide the digit with the other fellows butt. She, of course, kept her composure long enough to save the moment on film, eventually being overcome by moral indignation and having the vapors (although some malicious gossips have whispered that she really got tremendo calenton, and rushed home to her synthetic playmates for relief).

I've said it before and I'll say it again. The things that we are exposed to en este Exilio! En Cuba we didn't have this sort of thing, at least not in public. I have heard of the "Teatro Shanghai" porn flicks that would put Linda Lovelace to shame... and Marta and Belona, the famous "dance hall..." ...y ese Malecon, caballero!

Fernando Socorro is a Cuban-born, Miami bred, 42 y.o. (some might say j.o.) junior at San Francisco State. His major is Social Science Interdisciplinary Studies, with a focus in Latin America. He has been writing poetry, which he actually "hears" as lyrics to songs, for over 10 years, and has just recently begun submitting (tentatively) some of his work. He has had five pieces published in four esoteric anthologies. Fernando also last year began submitting essays (again, tentatively - can you say wussito?). The result was the printing of his article on his AZ motorvating tour in a way coolisimo Miami freebie mag (rag?) named "Generation ñ." For a good time (or anything else) call cubanito@sfsu.edu. Thanks, y'all!

Recommendations for Improving Taxicab Service in the City and County of San Francisco

Gabriel Ets-Hokin

Many San Franciscans can offer personal testimony to support the claim that San Francisco's taxicab industry is not meeting the demand for cabs. Hailing a cab or getting through to a dispatcher during peak hours can be next to impossible. While the solution may seem obvious—increase the number of cabs on the streets—the result may be as undesirable as the current situation. This policy paper gives an overview of the taxicab industry in San Francisco, discusses the current problem of supply, and offers a list of options to address the problem.

INTRODUCTION AND HISTORY OF SAN FRANCISCO'S TAXICAB INDUSTRY

San Francisco is unique among America's West Coast cities. The cramped geography and high population density make taxicabs a more competitive and economical way to get around for visitors and residents alike. This demand, along with an artificially low number of taxicab permits, makes San Francisco one of the few places in the Western Hemisphere where a cab driver can make a living wage.

Jitney busses, the forerunner of the modern taxicab, began picking up passengers along the route of the Van Ness street car line during the Panama-Pacific exposition in 1915. By the 1920s and 30s, as the city spread out, taxicabs were in widespread use. Some surviving companies from that era are DeSoto, Luxor, and Yellow Cab.

By the 1950s, Yellow Cab had possession of most of the city's taxicab permits, called "medallions," and controlled the rights to many cab stands throughout the city. Employees were paid half of the metered rate plus tips, but benefits were rare. By the mid-1970s, meter rates were being outstripped by inflation and rising gas prices. The resulting low wages created labor troubles.

Two major strikes in the 1970s combined with a court order to pay into the Teamster's pension fund, crippled and bankrupted once-mighty Yellow Cab, holder of 500 of San Francisco's 711 taxicab permits. Smelling a good investment opportunity, political consultant Harold Dobbs, and a sundry collection of minor capitalists made a bid for the Cab company, with plans to sell 138 permits.

Supervisor Quentin Kopp seized this opportunity to begin his lifelong quest to end permit profiteering. Proposition K was put on the ballot in 1978, with provisions to prohibit the sale or transfer of permits and to revert ownership of the medallions back to the city when the previous owners died or gave them up. Passing by a bare majority, the measure made San Francisco's Taxicab industry a unique one, creating a semi-secure promotion and retirement system for career cab drivers.

Through the 1980s and 90s, Yellow Cab co-op and its main political opponent, the United Taxicab Workers, have thrust themselves into the political arena almost every municipal election. Although many other issues have been waved about, the objective of Yellow Cab has been to over turn proposition K, which is seen as an obstacle to a cushy retirement for the owner-drivers of the co-op.

San Francisco has become both the number one convention location in the United States, with the convention center booked for the next twenty years, and one of the most popular tourist destinations in the world. Furthermore, the booming mid-1990s economy has brought additional workers to the city. This mass of potential cab customers, combined with massive gridlock caused by a myriad of construction projects and freeway closures, has made it very hard for the current number of cabs to serve San Francisco residents during times of peak taxicab demand. The most obvious solution is to increase the number of permits, and in September of 1996, the Police Commission voted to do exactly that. By the summer of 1997, 100 more taxi permits and 20 more Paratransit¹ medallions should be on the streets.

THE INDUSTRY TODAY

Today's taxicab industry is a very different one from the troubled times of the 1970s, when most cab drivers were employees of the cab company, taking home half of the meter plus tips and whatever they found under the cushions in the back seat. Today, most of San Francisco's cab drivers are lessee-drivers. There are almost no employee-drivers; although many companies offer their drivers this choice, it is financially unattractive. Instead, drivers lease their cars monthly or daily. The monthly lessee pays a monthly amount (usually \$3500 to \$4500) and provides his own car painted in the company's color scheme. The company provides insurance, the permit, and radio service. This lessee may in turn, charge other drivers to use his or her cab when not driving. Daily lessees pay about \$70 to \$106 per shift (depending on how busy it gets during that time period, e.g., Saturday mornings are cheapest, while Friday and Saturday evenings are the most expensive.) and

get a car, permit, and radio service. This daily arrangement offers the most flexibility for the drivers. Because the drivers are not regarded by the company as employees, they are, in both cases, free to drive wherever they want and pick up whomever they want. Picking up radio orders is therefore totally voluntary.

If taxicab industry representatives are to be believed, San Francisco's taxicab industry is tottering on the edge of ruin. All four major cab companies are undergoing minor or major crises.

— De Soto (about 80 cabs), San Francisco's oldest cab company, has weathered several expensive lawsuits. To alleviate this, about 15% of DeSoto's fleet of cars are leased on a monthly basis. As a result, many drivers

have lost their lease agreements.

— Yellow Cab (about 300 cabs) has three times the number of cabs as the next largest company. Yellow's management is implementing monthly leasing to alleviate the crunch of a recent court decision that rendered taking deposits from drivers illegal and ordering the company to pay them back. At \$500 per driver, this is over a million dollars. Of course, the many thousands of dollars that Yellow has spent in just the last two municipal elections makes the management's pleas of poverty hard to swallow.

— Luxor and Veterans (about 70 cabs each); although these companies have no current crises, they always plead poverty at board of supervisor meetings.

Dispatching: Taxicabs are dispatched mostly by radio in San Francisco, with large companies doing their own dispatching and small companies dispatching through the larger companies or contractors. Drivers routinely "tip" dispatchers to get good rides.

Yellow Cab company is among the few companies in the country who have a sufficient volume of cab orders to justify the expense of a computerized dispatch system.

"The system in place provides a career opportunity for an estimated 2500 cab drivers in San Francisco. Few other cities offer such opportunity to their cab drivers."

Orders are typed into the computer by phone operators, and are then assigned a geographical "zone." The first empty cab to report in that zone is assigned the fare whose address appears on a small screen. This system provides a great advantage over radio dispatching because up to 150 orders can be simultaneously dispatched with one main dispatcher handling the orders. With a radio, one or more dispatchers has to call out each address until someone takes it. Additionally, the computer does not respond well to bribery, saving drivers five or more dollars a shift. However, orders remain unaccepted during peak times, since the drivers do not know how old these orders are.

Enforcement: Enforcing the San Francisco Taxi codes is the San Francisco Police Department's Taxicab Detail. The six men who staff this unit are rarely seen on the streets, because they have to investigate complaints and perform other administrative tasks.

Quality of Service: When people get in a San Francisco taxicab, they are often treated well. *Travel Magazine* reported a Canadian poll in which 67% of the respondents named San Francisco as the U.S. city with the best taxicab drivers.

The Drivers: A person wishing to drive in San Francisco, for the most part, must be twenty-five years old and have a clean driving record for insurance purposes. He or she must take a written test of geographical knowledge at the cab company, as well as a course at City College which teaches taxi regulation, courtesy, and handicapped person sensitivity. New drivers pay \$40 for a tax certificate/public vehicle license, or "A-card," and then have an ID card made. Drivers start driving for a company, usually on Saturday and Sunday mornings, and as time goes by they might proceed to better shifts.

The driver pays anywhere from \$70-\$106 per shift. This fee, called a "gate," covers the use of the car, radio service, and insurance. Gas is paid for by the driver, usually \$10-\$25 per shift. Drivers gross anywhere from \$150 to \$350 per shift, with the average at about \$220, for a net of about \$110

per shift. As drivers become more knowledgeable and courteous, tips increase.

After driving one year, the driver may pay a \$100 filing fee and put their name on the list for a medallion. Ten to fifteen years later, the applicant is given a medallion as other drivers die or leave the industry. The driver, now teetering on insanity after fifteen years of cab driving, can either start a company or lease the permit to a cab company. In return for leasing the medallion to a cab company, the driver can use the permit, car, and get radio service for a reduced rate (\$24 at Yellow Cab) and receive a check for two to three thousand dollars monthly. He or she is also required to drive at least four hours a day for 75% of the years business days. This last provision is rarely checked by the cab detail, and many drivers file false reports which the six-man cab detail would be hard-pressed to investigate.

The system in place provides a career opportunity for an estimated 2500 cab drivers in San Francisco. Few other cities offer such opportunity to their cab drivers.

THE PROBLEM

As previously noted, demand for cab service in San Francisco has outstripped supply during peak hours. During morning and evening commute hours, and on Friday and Saturday nights from 4 p.m. until the bars close at 2 am, cab customers can wait for hours for a cab to come to their address. Hailing a cab from a hotel downtown can be frustrating, as guests line up 20 deep for available cabs. Conventions, the peak tourist season from June to September, and holidays such as New Year's eve and Halloween all make finding an empty cab more difficult.

Also, the elderly and differently-abled people who are enrolled in the city's Paratransit Program can have difficulty getting a cab to come to their door. Because these customers usually depend on cabs as their sole means of transportation, they have

to wait for someone to finally take their order. Two hour waits are not unheard of.

However, it is impossible to truly gauge response time without doing some kind of study. Anecdotal evidence for long response time is great, but are there truly enough cases to justify drastic changes in the Taxicab industry? In addition, "good" response time is an elastic measure; some people get frustrated and leave after five minutes, others are satisfied when after twenty minutes, the cab shows up.

Therefore, without exhaustive study, it is impossible to set rigid standards for response time. In lieu of this, there are many options that can be implemented to increase the number of cabs available to pick up radio orders and street hails alike. Combined with a public education campaign, this would give the public the feeling that something is being done.

OPTIONS FOR IMPROVING SAN FRANCISCO TAXICAB SERVICE

It is clear that San Francisco needs better taxicab service. However, the only solution that has been implemented is that of adding more cabs. Here are some other possible approaches that may make getting a cab easier in San Francisco.

1. No Action: The number of cabs would stay at 972, with no other changes in service.

— Pros: There would be no cost to implement this program, and with 120 more cabs on the street than before, service might marginally improve at times.

— Cons: At the busiest peak times, there would still be a wait for cabs.

2. Centralized Dispatch: Rejected by San Francisco voters in 1995 as part of Proposition I, a centralized dispatch would create a central number (e.g. 777-TAXI) that could be called to dispatch cabs regardless of company. This would provide more

phone business to the city's many smaller companies, enticing them to stay out of the airport, and make dispatching more efficient. Loyal customers who only ride with a certain company would still be able to call their favored carrier directly, preserving carefully-built customer bases. If this option were developed properly, it could be politically viable; however, this could be difficult due to cab company management reluctance to spend money on this system.

— Pros: This system, paid for by the cab companies, would create more business for the smaller companies and could reduce response time by sending the nearest San Francisco taxicab, regardless of company.

— Cons: A centralized dispatch system could be inefficient and costly to the city if overruns force the municipal government to foot part of the bill. However, compared to the myriad of understaffed company dispatchers working today, there is much room for improvement. (There are rumors of cab companies making dispatching purposely inefficient, so customers will mount political pressure to add more cabs, benefiting the cab companies.)

3. Airport Service: At any given time, there may be 50-250 taxis waiting at the San Francisco Airport (SFO) for a fare. This is up to a quarter of the city's cab fleet. Decreasing the capacity of SFO's cab lots at various times would force cabs to go back to the city at peak hours, adding many needed cabs to the city's streets. Airport service could be maintained by increasing the number of airport shuttles. This option is mentioned in a 1990 study of San Francisco's taxicab industry as a possible solution.

— Pros: The 50 to 100 extra cabs on the streets during peak times would reduce response times and make hailing a cab easier.

— Cons: There are times when large numbers of cabs are needed to serve the airport and airport service could suffer.

4. Information Campaigns: Many drivers will not take radio orders during peak times, because they feel the high proportions of no-shows make it unprofitable. A public information campaign aimed at encouraging passengers in busy areas to wait for cabs in their apartments, rather than calling and waiting on the street—getting in the first cab they see and leaving no fare for the summoned taxi when it arrives—would make drivers more likely to take these calls. A campaign aimed at drivers, encouraging them to take radio calls could also be effective. Yellow Cab now has a “Safety Contest” which gives cash and other prizes to accident-free drivers. A similar contest rewarding those with the highest average of phone orders taken would go a long way. Additionally, providing signs to mark streets heavily trafficked by cabs and cab stands where people could wait for available cabs could reduce confusion, frustration, and time spent waiting to hail a cab.

— Pros: This could be a relatively inexpensive way to have a real effect on improving cab service.

— Cons: Funding would be hard to secure. Voluntary cooperation from the chamber of commerce and cab companies would be required.

5. Hotel Shuttle Buses: During conventions and peak tourist seasons, many taxi trips are made shuttling passengers from the large downtown hotels to either North Beach or Fisherman’s Wharf. Often times hotel guests line up for thirty minutes or more to get cabs at the busiest times. The provision of free or low-cost shuttles could take many of these people to these destinations, saving the cabs for longer trips or more out-of-the way destinations. Running these shuttles until 10:00 p.m. would free up many cabs to serve the outer neighborhoods.

— Pros: This could be paid for by the hotels as a free service to guests, as a for profit enterprise run by an outside contrac-

tor, or by the hotel tax, since hotel guests put a strain on civic infrastructure by over-using taxicabs.

— Cons: This option would create a whole new industry that would have to be regulated.

6. Radio or “Black” Cars: In the mid-1980s, New York City eliminated the radios in its taxicabs in favor of “black car” or limousine service. Cars-for-hire are dispatched to addresses, and may not be hailed on the street. San Francisco has similar services, but they profiteer by charging exorbitant rates during peak hours. (One company quoted a \$25 fare to downtown from the Haight-Ashbury district, almost three times the metered taxicab rate.) Installing meters or rate sheets in these cars and making it illegal to solicit business on the street could solve profiteering. There are already state regulations governing limousine and car-for-hire services.

— Pros: Market forces would provide enough cars during the peak times and seasons, freeing cabs to serve busy areas and harder-to-find addresses that higher paid, more experienced cab drivers are likely to provide service to. Since limousine drivers are seasonal, part-time workers they can easily be laid-off during slow seasons and rehired for busy ones.

— Cons: limousines are already poorly-enforced in the city, and more of them would likely take cab driver business off the street and over-charge passengers.

7. Peak-time Permits: This solution was rejected by the voters when it was part of a larger package of reforms as Proposition I in 1995. Additional permits would be added for short peak time shifts. When demand drops, the extra cabs would return to the yard.

— Pros: This would create extra jobs for cabdrivers, and would require shorter shifts. Drivers who depend on higher demand in off-peak hours, caused by lack of cabs, would be protected.

— Cons: Since enforcement is rare in San Francisco, these cabs might not leave the streets at designated times, creating a glut of cabs and lowering driver income.

8. **Additional Permits:** This is the most politically expedient and popular solution. Mayor William Brown has stated that he wants 1500 cabs on the street by the end of his administration. These permits would simply be issued to the next drivers on the permit waiting list. They could either start their own companies or join other cabs.

— Pros: This solution is simple, costs the city nothing, and would be easy to implement. It would definitely increase the number of cabs waiting for fares downtown and other heavily-trafficked places.

— Cons: The addition of 700 cabs on San Francisco's streets is likely to cause congestion downtown, especially during commute hours. Fifteen hundred cabs would give San Francisco a similar cab-to-citizen ratio as Manhattan, hopelessly clogging the streets and turning ten minute rides into half hour encounters with sweaty, unhappy cab drivers. But would the additional cabs make it to the outer neighborhoods to serve San Franciscans? If the number of cabs were increased, average earnings per shift would drop. As the earnings drop, drivers would likely leave the industry sooner, as its viability as a career option diminishes. As a report on New York City's cab industry states:

Driver pay and fringe benefits are insufficient to keep most drivers in the industry for very long, and many drive as a sideline while they seek better opportunities. The result is that first, second and third-year drivers provide one-quarter of all taxi service, and other part-time drivers provide another one-quarter of all service. The swollen ranks of new and part-time drivers work to the detriment of taxi

service quality because new and part-time drivers are more likely to leave passengers unhappy.

The addition of too many permits could degrade cab service in San Francisco to the level of New York where poor cab service, fraud, and outright theft on the part of drivers is the norm rather than the exception.

“Many drivers will not take radio orders during peak times, because they feel the high proportions of no-shows make it unprofitable.”

RECOMMENDATIONS FOR IMPROVING TAXICAB SERVICE

Improving taxi service is a difficult task which requires more effort than what is currently being given problem. The present civic government's direction of simply increasing the size of the cab fleet may not be the best solution, as it could

reduce the income of taxi drivers and the quality of service provided by them. Since the first impression made on San Francisco's millions of visitors annually is often made by cabdrivers, it is clearly beneficial to the economic health of San Francisco to have its taxi fleet staffed by professional, career cab drivers.

If increasing supply while maintaining quality is to be the goal, then solving the problem will be complicated and costly. If simply increasing the availability of cabs is the goal, then permits should be given away to all applicants, as in cities such as Berkeley or Sacramento. To improve all aspects of cab service, the following steps should be either taken, or at the very least, examined.

Create Taxicab and Limousine Commission: Since Taxis and Limousines are such an important means of transportation in San Francisco, a governing body, with corresponding enforcement powers should be created. The Police Commission, who governs such matters now, does not have the time, knowledge, or concern for the people involved to adequately make decisions on these issues. A Taxicab and Lim-

ousine Commission could write rules and regulations and enforce these rules by actually citing people for taxi (and limousine) violations. The Police traffic details have little concern regarding limousines making illegal pickups, or taxi drivers refusing to convey.

- Organize Centralized Dispatch (see option 2)
- Reallocate cabs at SFO (see option 3)
- Encourage creation of hotel shuttle service (see option 5)
- Allow limited "Black" car service (see option 6)
- Pursue education campaigns (see option 4)
- Introduce peak time permits if enforcement problems can be worked out (see option 7)

If, after a trial period, these measures do not meet the goal of increasing supply while maintaining quality, then increasing the number of permits should be tried (option 8).

CONCLUSION

The goal should not be to simply have cabs on every corner, exploiting cheap labor, but to utilize as many existing transportation resources as efficiently as possible, so San Francisco can keep its excellent cab drivers as one of its qualities that makes it such a pleasant city in which to live, work, and play

Instead of merely increasing supply, as with other commodities, availability of service is tied to quality of service. Too many cabs will reduce quality, in some ways worsening the problem. Doubling the number of cabs is a drastic step that could damage not just drivers, but the thousands of regular customers that appreciate the skills and courtesies of veteran San Francisco cab drivers.

NOTES

¹ The Paratransit Program is sponsored by private and government grants and allows qualified people to purchase cab "scrip" or coupons for cab rides at ten cents on the dollar. Yellow, Veterans, Luxor and the company formerly known as City all participate in this program.

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Gabe Ets-Hokin is a senior in the Urban Studies program as well as an angry cab driver.



photo by Chris Rath

San Francisco's South of Market District: A Neighborhood Struggles for Survival

Aaron Sosnowski

Redevelopment projects in the heart of America's urban centers have had significant impacts on neighborhood character. This paper examines the impacts of redevelopment efforts in San Francisco's South of Market district. Located in close proximity to San Francisco's central business district, this area has historically been a working class neighborhood with a rich mix of ethnic enclaves, small businesses, and inexpensive apartments, hotels and restaurants. Efforts to redevelop this area have been met with strong opposition from neighborhood residents interested in preserving the neighborhood character of the South of Market district.

The history of San Francisco dates back to the mission period of the late 1700s and early 1800s when the original settlement was called Yerba Buena. This settlement is known today as South of Market or SOMA. The South of Market district has undergone profound changes in its short history, many of which have stripped the district of its identity. However, remnants of the characteristics which once defined the South of Market area still exist today. Although not what it once was, South of Market has managed to maintain a residential base, small private businesses, and industrial facilities despite pressure from developers trying to extend the financial district into this area.

A history of who inhabited South of Market and what the inhabitants did for a living, along with their recent fight to preserve the area in the interest of its residents, are the primary issues which highlight the history of the South of Market district. Throughout South of Market's history, a common theme of camaraderie among its inhabitants has helped to sustain the livelihood and roots of South of Market. With this in mind, a comprehensive look at the South of Market district will reveal that the people of South of Market were the backbone of San Francisco and their resistance to capitalist pressure only reflects the working class character of those who once did and those who continue to reside in this district.

Following the discovery of gold in the late 1840s, San Francisco evolved as an instant city. With miners coming out of the mountains during the winter and immigrants and eastern Americans flocking to California with the hope of striking it rich, San Francisco, with its accessible bay, quickly became a large American city. However, initial settlements in San Francisco were on the north side of the city, that is until a toll plank road was built opening up the south side of the city stimulating opportunity for residence and employment. The authors of *The Annals of San Francisco* comment, "This plank road has proved of the greatest service to San Francisco, and the property through which it passes has increased immensely in value for building purposes. Formerly that property was at times nearly inaccessible, and on all occasions was very difficult and troublesome to reach."¹

This plank road came to be known as Mission Street and the area to the South of Market Street, which is the dividing line between the north and south sides, came to be known as South of the Slot. The district got its name based on the cable car slots on Market Street. With this area evolving as a new development, South of Market or SOMA provided low-income families and individuals with a place to live. Because many of these people were unskilled immigrants and

poor, residents in SOMA emerged as the blue-collar working class of San Francisco. Robert O'Brien, author of *This is San Francisco*, commented on the original settlers of South of the Slot: "...Read all you want to about how glamorous San Francisco is, or was, but never forget that these people are part of it and have been since the Gold Rush....these people and this district has given San Francisco punch and toughness, a sense of humor and crude strength. Their men run the streetcars and are the cops on the beats; they slaughter the steers and stoke the foundry furnaces... they lay the bricks and build the tall buildings...and through their veins runs the red blood of many nations."²

O'Brien's comment clearly indicates what type of people lived and worked in SOMA and he also reveals the pride that these people had in their side of the city in a poem written by a South of Market boy named Miles Overhalt: "Whether you know your locations or not, The heart of the city is South o' the Slot! That is the spot, true to the dot. The heart of the city is South o' the Slot."³

Following the Gold Rush, San Francisco emerged as the commercial center of California and the West Coast while South of the Slot took on its own definitive character. South Park and Rincon Hill (although further east from the nucleus of SOMA was still considered South of Market) became wealthy communities while Tar Flat and Happy Valley still further south, made up the waterfront communities. With these communities among others, SOMA began to become more diversified ethnically and socioeconomically. Rich San Franciscans were building stone mansions in traditional English fashion in South Park, while Filipinos, Japanese, and European immigrants continued to settle in the SOMA area.

With these settlements came the defining characteristics of South of the Slot. Pawn shops, second-hand stores, cheap diners,

and low-rent hotels littered SOMA while side streets provided apartment flats for families. This was South of the Slot, a firm base of ethnic families, small businesses, and low-income living for elderly single men and newly arrived families. The wealthy communities of South Park and Rincon Hill did not last as industrial factories began to close in around them, eventually squeezing them out and replacing them with more immigrant families. SOMA stayed this way until the tragic earthquake of 1906 which brought an end to the South of the Slot of those times and redefined the South of Market for the first time since the Gold Rush.

South of Market was hit hard by the earthquake of 1906; if buildings did not crumble to ruin, they went up in flames, as

did much of San Francisco. Although the earthquake had a profound impact on SOMA's residents and buildings, the crude strength of SOMA residents that Robert O'Brien wrote of persevered and would continue to in the future. Within a couple of years, SOMA was rebuilt with an emphasis on low-rent, single-tenant hotels which came to be the defining characteristic of SOMA. In the 1920s, a group of former SOMA residents came together with the hope of reviving the spirit of South of the Slot. They called their organization the South of Market Boys and extended their membership to anyone who currently lived, or at one time had lived, in the South of Market district. Before they knew it, the South of Market Boys were three-thousand strong and boasted some of San Francisco's finest: Mayor Jim Rolph, Police Chief Dan O'Brien, performers David Belasco and David Warfield, and Congressman Sol Bloom.⁴

The coming together of these men is symbolic of the camaraderie that existed in South of the Slot and the obvious strength in ties that the people of SOMA had with each other. The preservation of these ties is what is significant and what helped to sus-

"...a comprehensive look at the South of Market district will reveal that the people of South of Market were the backbone of San Francisco."

tain some of the characteristics of the old South of the Slot within the new South of Market.

Although many of SOMA's residents were relocated following the earthquake and the old residents were replaced with new ones, the same type of people were still attracted to this area. Drifters and transients could find temporary refuge in an inexpensive hotel while the cyclical nature of unskilled employment continued to furnish SOMA with immigrant families and individuals trying to build a foundation for themselves in a foreign city. While immigrant families were still moving to SOMA, the predominant inhabitants of SOMA after the earthquake were elderly men. Because there were so many inexpensive hotels in the SOMA district, retirees, pensioners, and widowers found SOMA to be a comfortable place to live out their last days. Along with low-cost restaurants and retail stores, an individual on a fixed income could find survival to be relatively feasible in the South of Market where this was not the case in much of San Francisco.

For the next fifty years or so, SOMA went relatively unchanged and survived the Great Depression of the 1930s, enjoyed an economic boost in industry and manufacturing during World War II, and maintained, for the most part, the same class and ethnic make-up with the exception of an influx of African-Americans. However, with the advent of growing capitalism and advancing technology, the push for a larger financial district and urban center began to take root in San Francisco and eager developers targeted SOMA as the area for expansion. This push towards redevelopment would prove to be the great test to the spirit of SOMA residents while the survival of their neighborhoods would depend on the historical sense of camaraderie that pulled SOMA and its residents through the 1906 earthquake.

The first indications of proposed redevelopment in the SOMA area for expansion of the central business district came in the late 1950s via Ben Swig, a leading San Francisco businessman and land owner who pro-

posed a plan which included SOMA as part of the financial district. Chester Hartman, author of *Transformation of San Francisco*, captures the general mood among leading San Francisco businessmen as well as outside interests: "As far back as the 1950s it was correctly foreseen that the city's relatively small office district could not accommodate the amount of building required in the coming decades....If San Francisco was to be increasingly a regional, national, and international service center, its central business district had to expand in area. Necessary, then, was the taking of a massive parcel of downtown land, evicting its occupants, demolishing the existing structures, and converting the land to the desired uses."⁵

As the notion for expansion began to evolve, the interests of the San Francisco Redevelopment Agency (SFRA) and city planning commissions were piqued. However, justifications for the redevelopment of SOMA and the inevitable displacement of its residents had to be found. The need for federal funds to subsidize the redevelopment project further complicated matters because in order for federal subsidies to be granted, the targeted area for redevelopment must be deemed a predominantly blighted area.⁶ The *Wall Street Journal* commented on the San Francisco Redevelopment Agency's tactics in claiming the proposed area to be blighted, "It's clear the Redevelopment Agency considerably broadened the meaning of the designation "blight" in order to achieve the current boundaries."⁷

The initial area proposed to be redeveloped was between Third and Fourth Streets and Mission and Folsom Streets and was to be called the Yerba Buena Center (YBC). The YBC would have an exhibition hall, indoor sports arena, and parking garages. However, this was not the only area targeted by developers and city officials because they feared that if the blocks surrounding the YBC were not redeveloped, then the undesirables of SOMA would deter people from visiting the YBC. Because of this, the surrounding blocks were targeted for more parking garages as well as office buildings which

would also feature elegant restaurants and shops to suit the needs of the patrons visiting the YBC. Although the surrounding areas proposed for redevelopment were eventually rejected, the YBC project was not, and despite years of litigation and protest by SOMA's residents, the SFRA proceeded with their plans for the development of the YBC.

At this point, the SFRA had only three more matters of housekeeping to take care of in order to break ground on the YBC project. First, they had to choose a development company to design the center and carry out the construction (a feat that proved to be much more difficult than anticipated). Secondly, after a plan was put forth, it had to be approved by the city's Board of Supervisors in order to get federal subsidies; and lastly, the SFRA had to adequately relocate some four-thousand residents living in SOMA who were subject to eviction because of the YBC project. "Ridding the area of its existing population was thus a key part of the Redevelopment Agency's goals in the South of Market area and was regarded as a necessity if the downtown office area was to be successfully propelled across the Market Street divide."⁸

During the years 1962-1965, demolition of the projected area had begun but there were significant complications in choosing a developer as well as deciding on a final plan. These complications would go on for years as the incompetence of the SFRA and their indecisiveness in choosing a developer and a final plan stalled the YBC project. In the meantime, residents took action and began to organize in opposition to the YBC project and it was only after the demolition of several hotels that SOMA's residents began to take matters into their own hands. The residents' primary dilemma was finding affordable housing elsewhere, but at the same time many were bitter and enraged with the prospect of

having to leave SOMA. As William Colvin, a retired contractor, confirms: "Most people don't understand. A man can enjoy freedom here. All of us have many friends, to us, this has been home for years, we enjoy life. But most of all there is something spiritual about all of this. We like it the way it is, we want to stay."⁹

Colvin's comments sum up the general sentiment of the time for those facing relocation because of the YBC project. By the late 1960s, the displacement of SOMA's residents in light of the YBC project area had escalated. This prompted further organization on the part of SOMA residents which resulted in the founding of TOOR, Tenants and Owners in Opposition to Redevelopment.¹⁰

Their main objective was to stay as long as possible and to force the city to build or refurbish housing adjacent to the project area. By doing so, SOMA's residents would be guaranteed a place to live as well as guarantee that SOMA would preserve its original neighborhood character. Although TOOR's efforts made an initial impact, they did not have a strong enough voice to impact the city's plan to redevelop.

After a long and strenuous court battle, the city won the rights to develop on the central blocks of the YBC project. The result of this was the construction of the Moscone Center, an exhibition hall and convention center. However, the construction of a sports arena was not carried out, nor was the redevelopment of the surrounding blocks encompassing the center of the YBC project. Because of this, SOMA residents were in part victorious in preserving the old characteristics of South of the Slot despite surmounting pressures from the city. However, much of the appeal following the earthquake, which was low-rent, single-tenant hotels, has vanished underneath the power of a wrecking ball and

"The push for a larger financial district and urban center began to take root in San Francisco and eager developers targeted SOMA as the area for expansion."

the force of a bulldozer. Although the final compromise turned out to be a win-win scenario on paper, SOMA residents have ultimately suffered in the name of redevelopment.

Along with the romance and charm of San Francisco comes the grit and harshness of its urban streets. The South of Market area was and still is one of these areas. Low-rent hotels still exist around Sixth Street although most of the current inhabitants are African-Americans rather than the original retired white men. Small businesses still persist, as well as inexpensive diners, but they are a fading glimpse of the past. SOMA is literally and figuratively a contradiction with its artist lofts and nice restaurants next-door to AmerAsian diners and textile factories. SOMA is in the midst of redefining and reinventing itself. When walking around SOMA, it is difficult to pinpoint any one defining characteristic of what it is and who it represents. Although the SOMA of the past possessed qualities which truly define any community, the new SOMA is slowly taking over and the transformation, though slowed by SOMA's dedicated residents, is taking place. One gets the feeling that fifty years from now, the SOMA originally envisioned by city officials and businessmen will eventually become a reality. Despite the potential for this taking place, memories of South of the Slot will remain and if they cannot be seen by visiting the SOMA area, then they can be cherished through the work of authors interested in preserving its history on paper.

Notes

- ¹ O'Brien, Robert. "This is San Francisco." San Francisco: Chronicle Books. 1994, 263
- ² O'Brien, Robert. "This is San Francisco." San Francisco: Chronicle Books. 1994, 258
- ³ *ibid*
- ⁴ O'Brien, Robert . "This is San Francisco." San Francisco: Chronicle Books. 1994, 278-79
- ⁵ Hartman, Chester. "Transformation of San Francisco." United States: Rowman & Allenhead. 1984, 7-8
- ⁶ Hartman, Chester. "Transformation of San Francisco." United States: Rowman & Allenhead. 1984, 42-44
- ⁷ *ibid*
- ⁸ Hartman, Chester. "Transformation of San Francisco." United States: Rowman & Allenhead. 1984, 227-29
- ⁹ Hartman, Chester. "Transformation of San Francisco." United States: Rowman & Allenhead. 1984, 57-59
- ¹⁰ Hartman, Chester. "Transformation of San Francisco." United States: Rowman & Allenhead. 1984, 65

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San Francisco's Tenderloin: A Profile of Neighborhood Satisfaction

Max Schweitzer and Prester Wilson

San Francisco's Tenderloin district is a neighborhood in constant transition, home to a large and diverse population. This article profiles the Tenderloin and seeks to answer questions of neighborhood satisfaction as it is experienced by the people living there.

THE HISTORY OF THE TENDERLOIN

The present-day Tenderloin is located in what used to be called Saint Anne's Valley. The area is located in the heart of downtown San Francisco with street boundaries of Market, Van Ness, Post, and Powell. Settlers arriving in the 1860s populated the sand dunes and marshes of the valley and quickly developed it to an urban area. By the 1890s, swank nightclubs, fancy brothels, and numerous saloons popped up in the area earning it the nickname of the "Uptown Tenderloin." People would come from all over to enjoy an exciting evening in the Tenderloin.

Soon after the 1906 earthquake which destroyed most of the existing structures, construction began on the buildings we now see in the Tenderloin. Many single-unit occupancy hotels were constructed to accommodate the visitors of the 1915 Pacific International Exposition which was held to demonstrate to the world that San Francisco had been rebuilt and was ready to become an international city and port due to the completion of the Panama Canal. These single-room hotels and apartment buildings later served as homes for traveling entertainers doing "gigs" in San Francisco. During World War II the Hunters Point Naval Shipyard was booming, constructing ships for

the war effort. Many shipyard employees, attracted by the vibrant lifestyle, settled in The City and made their homes in the Tenderloin. After World War II, hundreds of veteran sailors and merchant marines moved into the Tenderloin and many remained to grow old there. The Tenderloin roared during the '20s, '30s and '40s as the center for jazz and nighttime entertainment.

By the 1960s, the Tenderloin's housing stock had begun to deteriorate, and the area soon became a low-income residential district. The area declined significantly during the '60s, '70s and '80s as the port of San Francisco slowly deteriorated. Spared the "urban renewal" of the '60s and '70s which razed other low-income San Francisco neighborhoods like the Western Addition and the Fillmore District, the Tenderloin absorbed many of the displaced residents of those communities. When Ronald Reagan closed the state mental hospitals in the 1980s, many of their patients settled in the numerous residential hotels in the Tenderloin. With this, local businesses closed and investment stopped. Crack cocaine soon came to the Tenderloin and addiction approached epidemic proportions. Crime increased and more and more down and out people soon resided and loitered in the area.

However, residents responded to the danger posed to the Tenderloin by proposed

redevelopment. The residents organized to persuade City Hall to pass an ordinance prohibiting the conversion of residential hotels to tourist use - the first legislation of its kind in the nation. The City then down-zoned the neighborhood limiting commercial building heights to 330 feet and residential buildings to 80 feet (Snyder 1991, p. 2).

THE TENDERLOIN TODAY

The Tenderloin is a high density urban neighborhood located near the heart of downtown San Francisco's financial and Union Square shopping districts. It is home to people of numerous ages, races and economic backgrounds. Public transit serves the area very well with San Francisco's Muni Metro and BART (Bay Area Rapid Transit) running along Market Street. Rents in the Tenderloin are inexpensive when compared to San Francisco as a whole, and as a result the area provides affordable housing to many.

As with many lower-income urban areas, crime rates in the Tenderloin are high. Based on reported violent crimes, residents of the United States face a yearly crime rate of 5.7 crimes per 100 residents, California has a yearly crime rate of 6.5 crimes per 100 residents and San Francisco has a crime rate of 9.3 crimes per 100 residents. But residents of the Tenderloin face a crime rate of 33 crimes per 100 residents. When crime rates include other crimes (theft, narcotics, vice, malicious mischief, etc.) the crime rate in the Tenderloin jumps to 70 crimes per 100 residents, over four times the rate of San Francisco as a whole (Hermon 1991, p. 10). The Tenderloin has the highest number of people per square mile of any area in the city, yet the district has neither one major supermarket nor one legitimate bank. The Tenderloin is home to sex shops, liquor stores, saloons, and many boarded-up store fronts. The number of vacant store fronts has increased by 72% since 1988 (Hermon, 12).

"...residents of the Tenderloin face a crime rate of 33 crimes per 100 residents... over four times the rate of San Francisco as a whole."

According to our survey, most residents feel the Tenderloin is not a neighborhood, but rather a place for indigents to hang out.

Housing in the area consists of mostly brick or concrete structures ranging from three to seven stories tall, providing approximately 18,000 residential units. Nearly 40% of the residential units are contained in

unreinforced masonry buildings, posing a danger to residents in the case of an earthquake, (Snyder 1992, p. 15) and the city is in the process of mandating reinforcement of these structures. The average price of a studio in the Tenderloin is currently \$460 a month, well below San Francisco's mean. However, as large hotels such as the Hilton, Nikko, Parc 55, and Donnatello expand into the Tenderloin to accommodate the

tourist industry, and others circumvent the ordinance prohibiting conversion to tourist hotels, affordable housing, a key to a vibrant and healthy neighborhood, is becoming scarce. Forty percent of the existing residential units are single room occupancy (SRO), and the remaining 60% are apartments, mostly studios. Non-profit and subsidized housing accounts for 15% of all residential units. The housing stock is in a general state of disrepair, and in November of 1996 the voters of San Francisco passed a 100 million dollar bond measure to pay for building and renovating affordable housing.

The Tenderloin is home to a diverse population, some of whom have grown old there, and newcomers as well. Newcomers include young urbanites, students, transients and the poor, immigrants, high risk populations such as the mentally ill, and drug addicts and abusers. The ethnic demographics have changed dramatically in recent years. In 1970, whites made up 87% of the population, today they make up less than 50%. The Southeast Asian population has grown by 29% and the African-American population by 7% since 1970.

THE FUTURE OF THE TENDERLOIN

Many Tenderloin residents are taking an active role in improving conditions there. The North of Market Planning Coalition (NOMPC), a membership based neighborhood organization, is actively pursuing courses of action to maintain and strengthen the Tenderloin as an affordable residential community. They are working on getting banks and financial institutions, rather than expensive check cashing businesses, into the neighborhood to provide loans, banking services, and financial planning information and advice to residents and merchants. The NOMPC is working with the San Francisco Redevelopment Agency to develop vacant lots and abandoned buildings. They have urged the Department of Public Works to wash and steam clean sidewalks and streets. A crime abatement committee has met monthly for a decade and commonly draws between 50 to 100 people to discuss issues of crime. The Mayor's office along with the Police Department has created the Tenderloin Taskforce, a unit concentrating solely on the Tenderloin, to deal with crime.

OUR RESEARCH

Our research intended to study how residents of the Tenderloin feel in general about the social and ecological surroundings of their neighborhood. Are they satisfied with the physical conditions there or do they want changes? Are they satisfied with their neighbors and people on the street, or do they distrust them? Are there similarities between residents of the Tenderloin and their attitudes toward the overall health and sustainability of this colorful area of the city? Each individual brings their own experiences and the problems they have with the area in which they live into the discussion of neighborhood satisfaction. Addressing these questions can shed some light into what it is like to live in the Tenderloin.

METHODOLOGY

To explore the levels of satisfaction among residents in San Francisco's Tenderloin district regarding community and neighborhood, we conducted a survey of forty residents of the Tenderloin. We administered our survey in a variety of settings within the Tenderloin including Boedekker Park, The Beverly Apartments, and street corners that represented the different smaller districts within the greater Tenderloin. These smaller districts vary along economic and social boundaries. Poorer sections tend to be located closer to Market Street in an area commonly called "the core." Surveys were conducted at various times throughout the day and on weekends and weekdays.

The survey was presented to the residents in a personal interview format in the form of an orally-administered interview of twenty-two open and closed-ended questions. The survey had two parts, addressing attitudes and opinions and social and background information. Most of our survey questions were designed to elicit satisfaction responses in the form of open-ended questions. This approach was taken to garner the maximum amount of information in the shortest period of time. Also, open-ended questions yield more information about attitudes of a community. Although the satisfaction questions were open-ended, the responses contained many answers which were readily quantifiable. We collapsed many of the answers of the open-ended questions into appropriate categories to simplify the analysis of the data. Closed-ended questions were chosen to develop a picture of the respondent so as to study any causal relationship between satisfaction and demographic backgrounds.

Our survey was designed using questions from other sources that explored urban neighborhood satisfaction. Every effort was taken to reduce response bias. Ques-

tions were asked in a sequence designed to put the respondents at ease. For example, questions regarding a respondent's personal background were asked at the end of the questionnaire so as not to discourage respondents from answering the satisfaction questions. We also chose wording carefully so as not to offend respondents. We chose to describe the Tenderloin as "this neighborhood" to eliminate subjective bias that respondents might have simply to that name. Questions were funneled from very basic, such as "what do you like here" to "name five things you like," all in an effort to put the respondent at ease.

Limitations of this survey included the language barrier between the numerous Southeast Asian and Hispanic populations in the survey area and our own English-speaking backgrounds. We were not able to interview those who could not speak English. Other limitations included racial and sexual tensions as perceived by the interviewer. Women were reluctant to speak to us and as a result we were not able to interview as many women as men. An attempt was made to sample representatively (Fig.1) so as to reflect the actual demographics of the population based on the 1990 US Census.

To preserve respondents' rights, no personal identifying questions were asked. We informed the respondents before the interview of who we were and why we were conducting the research. Since this research only attempts to study satisfaction of respondents, it posed little risk to them in terms of invasion of privacy or negative affects of the research. The ben-

efits of this research include understanding the needs and desires of a population that is underrepresented in the political environment of San Francisco.

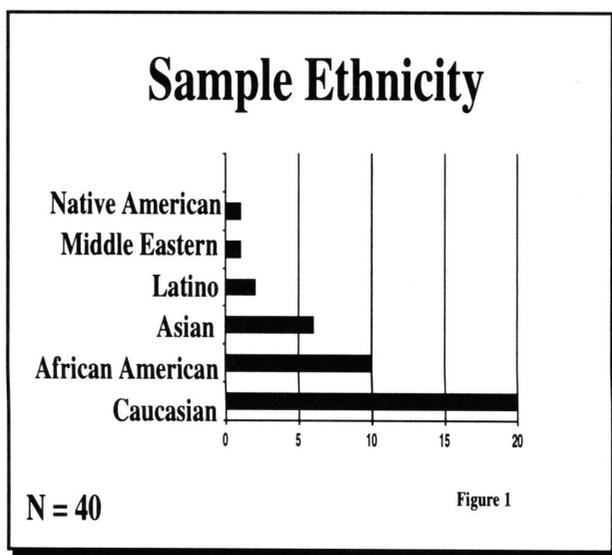
In our review of the literature of neighborhood satisfaction, we found that some researchers concentrated their study toward one element or another dictating satisfaction. However, most researchers have come to understand the complicated nature of evaluating neighborhood satisfaction and have taken steps to try to control extraneous influences when designing their studies. Certainly our neighborhood and its residents posed a unique and complicated set of factors for evaluating neighborhood satisfaction, and we made every effort to recognize that in the formation of our study.

RESULTS

We chose to view neighborhood satisfaction in ecological, social, and personal contexts.

We found that residents appreciate a combination of social and ecological factors of the neighborhood with location topping the list (Fig.2). This category includes many things, not the least of which

is the Tenderloin's location within the city of San Francisco, a draw in itself. Ethnic and cultural diversity ranks next highest on the list of positive attributes. This could be categorized as a social factor in that it describes the people who live there. Access to social services ranks third highest, and this attribute could be viewed as a combination of ecological and social factors. These services reside in buildings



within the neighborhood, but they also contribute to the physical and psychological well-being of the residents which in turn makes them better neighbors. The remaining attributes are evenly distributed between social and ecological factors.

It is very interesting to note that, regarding negative attributes of the Tenderloin, most of the things mentioned have to do with a decay of the social fabric (Fig.3). Substance abuse and crime lead the list. These we chose to view as social factors because they lead to a breakdown in communication between people. Substance abuse often leads to crime as addicts turn to theft to support their habit. Residents become fearful which causes them to withdraw, and in some cases people become afraid of leaving their dwelling. When this happens, some residents become unable to meet their social needs. Lack of services, poor housing, noise, and high food prices are all ecological factors contributing to what residents perceive as the negative attributes of the Tenderloin.

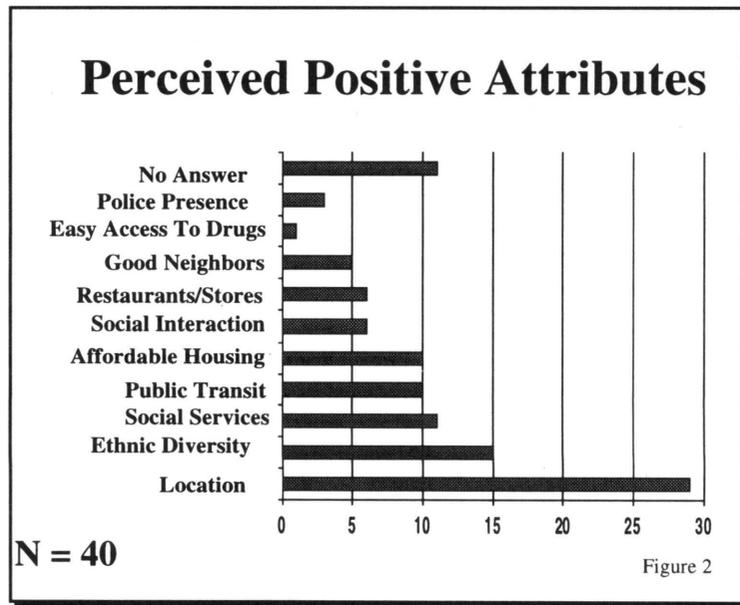
We also questioned residents as to what they feel the Tenderloin lacks.

Most of the responses expressed desire for an improvement of the ecological factors such as neighborhood businesses. However, social services received a high number of responses. The need for social services indicates a desire for mending the social fabric in the neighborhood. Residents see unemployed people on the streets

and want job training and placement networks. They see homeless people and substance abusers and they want to see treatment facilities. Conversely, residents would like to see less of those things that they perceive as indicative of social decay, namely liquor stores, bars, sex shops, etc. These land uses are controversial in many cities and neighborhoods including the Tenderloin.

We also found that most people had moved to the Tenderloin because of affordable housing and location; ecological factors. Though some people moved there for social reasons such as to be near friends or for cultural diversity and a perception of social acceptance, this occurred to a much lesser extent than for ecological factors. The average age of those who plan on staying in the Tenderloin is significantly higher than those who plan to leave. This suggests that older people are generally more satisfied with the neighborhood than younger people, which could be explained by the theory that as one ages, one's expectations and aspirations go down causing relative satisfaction to increase.

Finally, we found that residents who have lived in the Tenderloin for a longer period of time are much more likely to be content there, and have no plans for moving in the future. This may be due to the lowered aspirations of elders or could be explained by the fact that residents who have been there longer have a more devel-



oped social network leading to a higher level of neighborhood satisfaction.

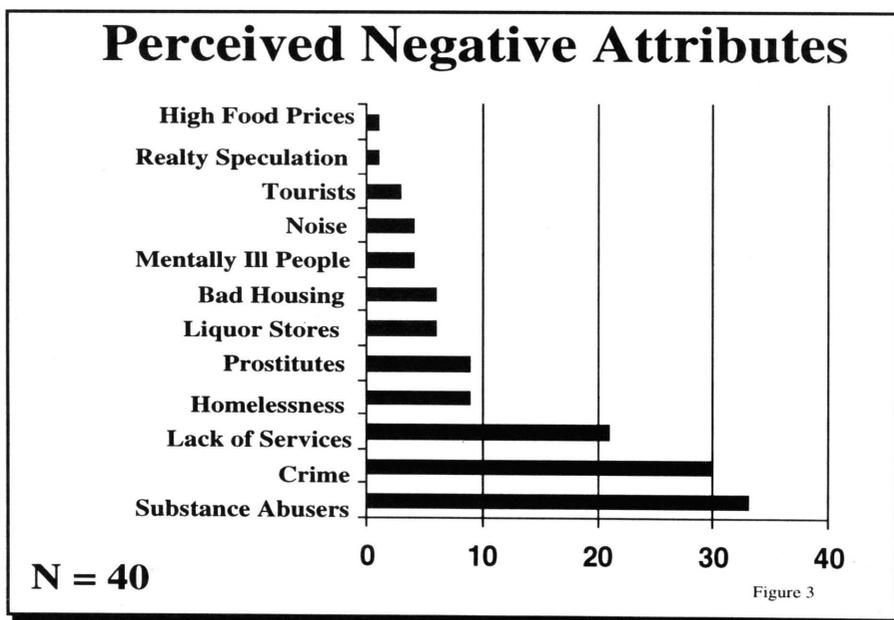
DISCUSSIONS AND CONCLUSIONS

When looking at neighborhood satisfaction, a researcher cannot examine only a single aspect of it because satisfaction is relative to the individual. Each individual brings with them their needs and expectations of a neighborhood. For example, we had a respondent say that what he liked about the Tenderloin was its easy access to drugs. Regardless of whether the trafficking of drugs is legal or not, this particular person liked their easy availability in his neighborhood. This shows us that satisfaction is indeed an expression of one's experiences and subjective values.

It seems that neighborhood satisfaction is governed by the neighborhood's ability to provide for the needs of its residents. These include the absolute necessities of life such as food, clothing and shelter, as well as more intangible social needs. In meeting its residents' physical needs, the Tenderloin does a reasonable job; few people die of hunger there. But the ability of a neighborhood to provide for the so-

cial needs of its residents plays a significant role in the level of satisfaction as well. Most residents seemed disturbed by the social unrest caused by substance abuse, homelessness and unemployment; and the crime associated with them. Physical and economic deterioration of the neighborhood bothered people but to a lesser extent. Those that have lived there the longest expressed a higher satisfaction with their social network than those who have recently arrived. Otherwise, residents seemed to appreciate the same aspects of their neighborhood and community that most other San Franciscans enjoy, feeling that they are living in one of the best cities in the country.

Our opinions of the Tenderloin are very high. It is centrally located with Union Square two blocks to the east and is served very well by mass transit with many Muni lines through and around the area. It provides a dense urban atmosphere of large apartment buildings shadowing streets which are full of people. The architecture of the many older buildings is wonderfully ornate and unique. Most importantly, the area is one of the few districts in San Francisco with affordable housing, a scarce commodity in this city. New immigrants, the elderly, families, and working people all call Tenderloin home. Without it they might not be able to afford to live in San Francisco at all.



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