

KeyNotes

Fall 2002



Lambda Alpha International

Land Economics Society

WWW.LAI.ORG

Manhattan Beckons LAI

The lure of Times Square, the glitter of Broadway, the thrill of Manhattan – all the excitement of New York City is waiting for you October 17-20, 2002. Come be a part of the city described by Mayor Michael R. Bloomberg as the place where “there is more to see, more to do, and more to experience than anywhere else on the planet”.



The New York Chapter has created an exciting opportunity to see the sights and experience all that this premier city has to offer. From world class accommodations to gourmet dinners, walking tours to boat excursions, the New York Weekend Experience promises something for everyone.

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Resonating with historic charm, architecture, and ambience from the turn-of-the-century, the Algonquin Hotel will provide first class accommodations for us. The hotel is rated one of the America's 10 Best Historic Hotels by Historic Traveler magazine, and exemplifies Edwardian excellence in its glistening lobby filled with polished antiques. The Algonquin Hotel is located within walking distance of Broadway, fashionable shopping on Fifth and Madison Avenues, the Empire State Building, Rockefeller Center and Radio City Music Hall, providing a welcome oasis amid the city's hectic pace.

Gracious, friendly service and special room rates (\$269.00 for singles or doubles) will greet you. Home of the famous 1920's Algonquin Round Table, where witty young critics and budding playwrights gathered daily for lunch, the Algonquin continues to

host an influential literary and theatre clientele. Call 1/888/304-2047 for reservations, and be sure to mention LAI to receive the special rate.

Great Ideas Stem From Great Conversations

Our New York Experience begins with a 6 pm cocktail reception at the resplendent Tavern on the Green in Central Park. **Steven Spinola**, President of the Real Estate Board of New York will provide remarks on the city's real estate trends. A gourmet three-course dinner with wine completes the evening.

To The Buses

Tour buses depart the Algonquin at 8:30 am on Friday morning for Skidmore, Owings and Merrill's Wall Street office. There, **David Childs**, who has been closely involved in replanning and designing replacement structures for the World Trade Center, will discuss proposed plans for the site, after which we will walk to Ground Zero.

Next we will board busses to Steelcases's office at 4 Columbus Circle. **Ken Lewis** of SOM will provide a presentation of the AOL Time Warner Center, a major new mixed use complex at the southwest corner of Central Park.



We will lunch at Panevino's, located in the Avery Fisher Hall of Lincoln Center. Our next stop is the Chrysler Building, where **Jim Brady** of Tishman Speyer will guide us through the renovation he did. **Hugh Boyd**, FAIA will then take us for a tour of Grand Central Station.

Our afternoon concludes with a walking tour up 42nd Street to Times Square. At the Reuters Building, **Times Square - Past**

and Future will be presented. **Jacques Robertson**, formerly of the Office of Midtown Planning and Development, **Rebecca Robertson**, former president of the Times Square BID, and **Tim Tompkins**, current president of the Times Square BID have prepared an outstanding presentation on the transformation of Times Square.

President's Dinner

A cash bar opens at 7pm Friday evening in the Algonquin's Gallery I & II. **Michael Wallace**, LAI member and author, will share with us his Pulitzer Prize winning book **Gotham**, which chronicles the history of the city of New York from its primeval roots to 1898. The Chef has prepared an elegant menu for dinner beginning at 8 pm.

To The Boat

Saturday morning finds LAI members aboard the privately-chartered 80 ft. **Half Moon**. The boat will take us along the East River past the Brooklyn Boat Yards up to Long Island City. **Claude Shostal**, past president of the New York Regional Planning Association will narrate this tour which includes a continental breakfast along with magnificent views of the city and various waterfront developments.

continued on page two

Features

New York Weekend Experience	1
Ferd Kramer Memoriam	3
LEF Scholarship Awarded	5

Special Article

Tahoe Case Reinforces Richard Ely's Basic Concept: Planning Benefits Property Rights by Jeff Soule, AICP	4
----------------------------------------------------------------------------------------------------------	---

In Every Issue

President's Letter	2
About Us Chapter News	3
Welcome New Members	6
News from the Editor	7

President's Letter



Roger Kallman

In my first **KeyNotes** letter some eight months ago, my attention was inevitably focused on New York and the events of September 11 which were to transform all our lives. While stunned by the incident, the

world was impressed by

the extraordinary way in which the people of New York pulled themselves together and displayed the kind of qualities for which they will long be respected and remembered. In the wake of these events and in support of New York, the Board of Governors were unanimous in their decision to hold their semi-annual meeting and the **October 17-20 2002 Weekend Experience** in this inspiring city. The New York Chapter, under the leadership of President **Kenneth Patton, Harve Kevenides**, and **Fran Brooks** embraced their idea and have been actively engaged in developing a programme which will be of exceptional interest to all our members.

Highlights will include the President's welcoming dinner at the **Tavern on the Green** - a justly famous restaurant in Frederick Law Olmstead's magnificent Central Park. Accommodations and Friday

evening dinner will be at the legendary **Algonquin Hotel**. Tours will focus on downtown Manhattan, including the site of the World Trade Centre, and Midtown, where Lambda Alpha members and guests will visit the AOL Time Warner Center. A walking tour of the Times Square/42nd Street redevelopment project is planned, and a boat tour will provide members with different perspectives of the city. A wonderful roster of speakers has been assembled to round out the **Weekend Experience**.

I would be remiss, in closing, if I did not acknowledge the significant achievements of our new Executive Director, **Terry Stevenson**, and Associate Director **Barbara Morris** and their team at Association Management Systems, Inc. Many members have already remarked on the much improved level of communication between local chapters and International. Not only is **KeyNotes** a more frequent publication, but a more practical and accessible one as well. Terry has also been able to respond to requests from a number of local chapters for assistance with various administrative matters. All of this is serving to strengthen Lambda Alpha International as we begin the 21st Century.

continued from front page

Returning to the hotel by noon, the Board of Governors will convene at 1PM. A concurrent Leadership Workshop for Chapter Presidents will be held outlining new administrative policies and procedures geared to assist LAI at the local level. We encourage each Local Chapter to send a representative to this important session.

Be a part of it - New York, New York

No trip to New York City would be complete without the opportunity to explore and experience the dynamic diverse city on your own. Saturday evening is free for you to "do the city". Whether your interests involve Broadway, the Arts, or gourmet dining, the concierge at the Algonquin will be happy to assist you in getting tickets, making reservations, and recommending activities to round out your New York Experience. Ulf Larsen, concierge at the Algonquin will be happy to assist - call 212/840-6800, extension 138.

All in all, the Weekend Experience promises a little bit of something for everyone. The programs and tours organized by the New York Local Chapter are exceptional, and a great way to experience this energetic city. We look forward to your enthusiastic participation.

Registration

To register for the Weekend Experience, use the registration form provided in this issue, or download the registration form from the web-site - www.lai.org

LAI wishes to thank the following sponsors for their donations to the New York Weekend Experience:

New York University
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NEWS FROM THE EDITOR

You're reading this issue of **KeyNotes** quick on the heels of our last (Spring, 2002) issue. That issue was delayed somewhat by the effort our International Office was devoting to inputting and refining our membership database, a necessary component of some new initiatives at Lambda Alpha International (and required for their mailing efforts). You'll be seeing the fruits of that work in the next couple of months.

You can now change your database entry online with a new system just

installed by our web manager, Technology Place, Inc. The International Office will inform your local chapter of the change, too. In the near future, you will be able to search the membership database with a password provided exclusively to members. Further, we're developing the capability for you to be able to pay your dues over the internet as well. We'll tell you about these new developments through the printed **KeyNotes** but you can also keep up by logging on to the website.

In the meantime, our New York Chapter, **International First Vice President Larry Lund** and our International Office in Chicago have labored mightily to make the fall Weekend Experience memorable for all our members. The Board of Governors and your editor hope to see many of you there to enjoy the indomitable spirit of the city, meet new friends and experience the city in a way that only Lambda Alpha International can provide. We'll have a full report for you in our next issue.

— James Fawcett

Los Angeles Speakers Program a Big Success at Cal State Northridge

Linking the expertise of Lambda Alpha members to the community has always been one of the objectives - and challenges - of our Society. Often, however that linkage is a difficult one to make. This past spring, two members of the Los Angeles Chapter took up the challenge and had marvelous success in bringing the news about the real estate industry to the public.

Culminating six months of planning, LA Chapter past president, **Fereydoon Ghaffari, AICP**, and **Dr. Don Bleich**, Professor of Real Estate, California State University, Northridge (known locally as CSUN), collaborated on a real estate lecture series.

What was especially unique was that the series was intended not only for students and faculty, but the general public was also invited to the evening lectures in the heart of the San Fernando Valley, some 20 miles northwest of downtown Los Angeles. Starting at 7:00 p.m., the five lectures drew more than 650 attendees in total, including many members of the community. The lectures were free but it became necessary to take reservations because of the large turnout each month.

Past-President Ghaffari and Professor Bleich consulted with one another and developed a slate of Los Angeles Chapter members who spoke at the five two-hour seminars in March, April, May, June and July. With Dean Bleich's enthusiastic support and assistance, the speakers brought their expertise to the classroom in a very successful outreach program.

The seminars had three objectives: to supplement the business curriculum at CSUN, to provide a link between the world of land use and land development and the classroom

and to provide an opportunity for some of our distinguished members to share their insights with the community.

In March, the first panel discussed "The Entitlement Process: The View from Both Sides" with guest panel members Terry Stambler-Wolfe, attorney with the City of Culver City, and Elizabeth Watson, attorney with the firm Greenberg, Glusker.

The second panel in April was titled, "Structuring the Development Team" with speakers Ron Buss, co-founder of Buss-Shelger Associates, a property valuation firm, and Eric Taylor, Director of Community Development of Shea Homes.

Robert P. Shaffer, Vice President of Johnson Fain Partners, a Los Angeles architecture firm led the third seminar. Mr. Shaffer's presentation was on "Planning and Programming the Development Project".

On June 17, the fourth seminar, "Financing the Development Project", featured Gary Nelson, Los Angeles Chapter president and president of Churchill Mortgage Corporation, and Rick Richardson, Executive Vice President and Chief Credit Officer with First Bank of Beverly Hills. Professor Bleich moderated the panel.

The final session on July 8 featured James A. Linn, Senior Marketing Consultant/Senior Vice President with Grubb & Ellis Industrial Properties Division, Los Angeles. Linn discussed "Marketing the Development Project" in a presentation the was moderated by Professor Bleich.

Messrs. Ghaffari and Bleich have indicated that the seminar series will continue in the fall.

Welcome New Members*

Baltimore (inducted December 1, 2001):

Dr. Charles Carter, Morgan State University
Rachel Edds
Thomas J. Flynn, Thomas Points Associates, Inc.
Erik Johnson, Development Credit Fund, Inc.
Robert M. Lefenfeld, Real Property Research Group
Michael Lester, Willowbrook Systems
Evan Paull, Baltimore Development Corp.
Harold Young, US Dept. of Housing and Urban Development

Ely:

Susan Baldwin Burian, Baldwin Historic Properties
Kirk R. Bishop, Duncan Associates
James Capraro, Greater Southwest Development Corp.
Joseph Caprile, Lohan Caprile Goettsch Architects
Frank C. Clements, Worlff Clements and Associates, Ltd.
Peter Wayne Evans, Glaser Financial Group, Inc.
William Farina, Urban Appraisal, Inc.
W. Paul Farmer, American Planning Association
Cassandra Jansen Francis, US Equities Realty, LLC
Cheri Heramb, Chicago Dept. of Transportation
Peter M. Holsten, Holsten Real Estate Development Corp.
Mark J. Horne, Quarles & Brady LLC
Thomas C. Kirschbraun, Jones, Lang, La Salle
Peter Levavi, Brinshore Development
Debra Conrardy Mitchell, The John Buck Company
David Multack, The Braesude Group
John H. Paige, Northeastern Illinois Planning Commission
David C. Perry, PhD, Great Cities Institute (University of Illinois at Chicago)
Jordan H. Peters, Freeborn & Peters
Kathleen Ransford, City of Chicago
David L. Reifman, Piper Marbury Rudnick & Wolfe
Frederick B. Rolison, The Ross Group, Inc.
Peter Skosey, Metropolitan Planning Council
Thomas P. Smith, Dept. of Planning City of Chicago
Donald J. Terra, Terras Associates Landmark Group
S.L. van derZanden, Apex Realty Advisors, Inc.
Thomas O. Weeks, LR Development Company
Mark Weir, Millbrook Properties

At-Large (inducted February, 2002)

Max Hoyt, Greater Houston Builders Association, Houston, TX

** If we missed you, please let us know so that we can recognize you in the next issue of KeyNotes.*

Change of Address:

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Weekend Experiences

May 1-4, 2003

Manchester Grand Hyatt
San Diego, CA

Perry Dealy and the San Diego Local Chapter committee are planning a great meeting. Hotel offers bay view rooms at a special rate of \$239.00/single. Watch for details in future KeyNotes and on www.lai.org.

November 6-9, 2003

Outriggers Hotel
Waikoloa Beach, Hawaii

Biennial Congress in a tropical paradise, complete with a LEF Scholarship Golf outing at one of the world's premiere golf courses. Plans include a post-Experience trip to Tokyo. Details to come.

Our Website:

Visit www.lai.org for

Order forms - mugs, letterhead, key pins
Click onto "Members Only"
on the home page

Just FYI - Visit the information sharing area of the website -- click onto the "FYI" on the home page.

LAI Bookstore - Lists recommended books with clickable link to Amazon.com. Access this area of the website to order your copy of **Gotham** written by Michael Wallace, LAI member and dinner speaker at the New York Experience.

Have you recently relocated? Changed Jobs? Changed email address?

Contact LAI Headquarters for information updates. Call Barbara Morris 630/579-3284 or email her at bmorris@association-mgmt.com



About Us Chapter News

Visit the Chapter Corner at www.lai.org for all the latest information on LAI activities at the local level.

POLLOCK INDUCTED AS FELLOW OF AICP



LAI's Treasurer, **Les Pollock**, was recently inducted into the elite membership of the **College of Fellows of the American Institute of Certified Planners**. Pollock, welcomed at a ceremony held at the American Planning Association's 2002 National Planning Conference in Chicago, IL, has 32 years of experience in planning and currently serves as Co-Founder and Principal at Camiros, Ltd. He holds a Bachelor of Architecture and a Master of Urban Planning from the University of Illinois. "Les Pollock has been the epitome of a professional city planner. In practice, he has shown communities how physical planning can translate into public policy. In teaching and in his writings, he has trained generations of students and practitioners. And, as an elected official, he has instituted sensible land-use planning decisions." said Sam Casella, FAICP, President of AICP.

Chicago Chapter Annual Symposium Planned

The Chicago Ely Chapter is sponsoring its 5th Annual Symposium Friday, November 15 at the Bank One Auditorium. This year's topic is "Connecting a Greater Chicago...Tough Choices in Forging a Regional Transportation Package for the 21st Century". U.S. Congressman Lipinski will be the keynote speaker and the day will have several panels featuring leading experts in this area. For more information, call the Ely Chapter at 312-726-4030.

In Memoriam

Ferd Kramer, chairman emeritus of Draper and Kramer, has died at age 100. As one of the "Builders of Chicago", Kramer is credited with changing the face of Chicago's south side. With his father's firm established in 1893, he helped found the model post-war suburb of Park Forest, IL and later helped develop the racially integrated communities of Lake Meadows and Prairie Shores. Kramer was

advisor to Presidents Kennedy and Johnson, and was instrumental in the launching of Fannie Mae. Mr. Kramer helped develop Dearborn Park in the 1990's, invigorating Chicago's South Loop. Initiated into the Ely Chapter in 1960, his family survivors include two sons, Douglas and Anthony Kramer, both of whom are members of Lambda Alpha International.

Global Cities in an Era of Change

Lambda Alpha International members are invited to attend this program at Harvard's University Design School, September 4-6, 2002. The program will identify the common denominators characterizing successful cities and the forces that stimulate urban investment worldwide.

LAI members **Angus MacIntosh** of London will moderate a panel on the Global City Today, **John McMahan** of San Francisco will moderate the panel on Economic and Workplace Driving Forces, and **Dan Rose** of New York will be a panelist on Future Vision. Conference coordinators include **Hugh Kelly** of our New York Chapter and **Dr. Karen Sieracki** of London. The chair of the conference is **Richard Peiser** of our Boston Chapter.

More information on this outstanding program that features many other speakers is available on the web at www.CRE.org or by calling the Counselors of Real Estate at 312/329-8422.

Tahoe Case Reinforces Richard Ely's Basic Concept: Planning Benefits Property Rights

By Jeffrey Soule, AICP • Policy Director, American Planning Association

The Supreme Court's April 23rd decision in *Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency* is a strong rebuke to the assertion that planning and private property rights are somehow opposites.

Hailed as the most definitive victory for good planning in over a decade, the Tahoe decision emphasizes the value of taking the time a community needs to develop a citizen-based plan for conserving its treasured resources. The plaintiffs in this case bought housing lots near the pristine waters of Lake Tahoe. The issue of the suit was whether two building moratoria spanning thirty-four months from 1981-1984 constituted a regulatory taking.

Private landowners in this case asked the court to adopt a strict categorical rule requiring the government to compensate property owners for any deprivation of use, regardless of duration. Writing for Justices Kennedy, Souter, O'Connor, Ginsberg, and Bryer in upholding the ruling by the United States Court of Appeals for the Ninth Circuit in San Francisco, Justice John Paul Stevens completely rejected their argument. His opinion also provided ringing endorsement of the value of planning and public involvement in shaping our communities. The Court was asked only to rule on the use of moratoria in the case, not about the subsequent implementation of the adopted plan and its effects on the properties involved.

Two fundamental issues were clarified by the ruling. First, there is a fundamental distinction between physical takings, where property is actually

occupied for a public use as in the case of a highway or other right of way, and regulatory takings, such as the moratoria in the Tahoe case. The decision emphasized that it is not appropriate to take precedent from the physical takings branch and try to use them to evaluate a claim from the regulatory side. This issue has been seen as clouded by the Lucas Case discussed later.

Justice Stevens:

Land use regulations are ubiquitous and most of them impact property values in some tangential way – often in completely unanticipated ways. Treating them all as per se takings would transform government regulation into a luxury that few governments could afford.

The extreme property rights advocates are actually the ultra-elitists in the crowd. They want to preempt the rule of the public will expressed through an open and democratic planning process, by either taking tools and processes off the table before the process begins or by unilaterally rejecting the community's plan. Either way, they set themselves up as outlaws of the majority.

The Tahoe landowners tried to expand a possible new rule hinted by Justice Scalia in the Lucas Case from 1992. Here the Court first expressly called regulation a second category of taking. The Tahoe case closes the door on Lucas, by reaffirming Justice O'Connor's view that the factual context and links to owner expectations and balancing the social good argues against a more rigid automatic assumption of a taking.

Again, Justice Stevens:

Petitioners' broad submission would apply to numerous "normal delays in obtaining building permits, changes in zoning ordinances, variances and the like, as well as to orders temporarily prohibiting access to crime scenes, fire damaged buildings or other areas that we cannot now foresee. Such a rule would undoubtedly require changes in numerous practices that have long been considered permissible exercises of the police power... A rule that required compensation for every delay in the use of property would render routine governmental processes prohibitively expensive or encourage hasty decision-making.

The Tahoe decision confirms the importance of planning and validates the moratorium as an essential tool for successful development. It underscores the need for a thoughtful, inclusive planning process that takes into account all stakeholders, present and future, property owners and interest groups alike.

The Court's decision agrees that planners need the ability to use interim development controls and temporary moratoria to avoid making decisions that could adversely affect the natural environment and surrounding communities. Again from the opinion: "To the extent that communities are forced to abandon using moratoria, landowners will have incentives to develop their property quickly before a comprehensive plan can be enacted, thereby fostering inefficient and ill-conceived growth."

LEF SCHOLARSHIP AWARDED



Zhou Yu, University of Southern California was recently awarded the **Land Economics Foundation** scholarship for his proposed study topic,

“Does Immigration Induce Urban Sprawl in the US? New Evidence from the 2000 Census”. The proposed research, utilizing US census data from 1980, 1990 and the forthcoming 2000 census data, probes the relationship among immigration, population

growth, and urban sprawl in southern California. The study, using newly-available microdata, will investigate the migratory decision at the individual level and its impact on urban land resources.

“The Scholarship Committee was impressed with the scope and relevancy of this proposed research”, stated Virginia Solomon, President of the Land Economics Foundation. The \$3,000.00 scholarship is awarded yearly to a deserving graduate pursuing a degree in one of many fields related to land econom-

ics and is supported by contributions from Lambda Alpha International members.

Mr. Yu has a Master of Urban and Regional Planning from Virginia Polytechnic Institute and State University (1999), and a Bachelor of Engineering in Architecture from Northern Jiaotong University, Beijing, P.R. China (1996). His faculty advisor at the USC School of Policy, Planning and Development is Assistant Professor Gary Painter, PhD.

continued from page 4

The arguments today about the use, value and extent of a private individual's property are not by any means new. Aldo Leopold put the issue of public rights and private responsibilities quite succinctly: “Whenever a private land owner so uses his land as to injure the public interest, the public will eventually pay the bill...Abuse is no longer an issue of depleting a capital asset, but actually creating a cash liability against the tax payer.”

More recently in his 1998 opinion in *Eastern Enterprises vs. Apfel*, an otherwise murky set of opinions regarding substantive due process, Justice Kennedy makes it clear that he understands and supports the ability of local governments to operate with “some necessary predictability” in deciding upon their regulations. Justice Kennedy: ... in determining whether there is a taking or a regulation, extending regulatory takings analysis

to the amorphous class of cases [involving fees and taxes] would throw one of the more difficult and litigated areas of law into confusion, subjecting states and municipalities to the potential of new and unforeseen claims in vast amounts.”

In the early days of zoning, especially the work of the Hoover Commission drafting the Standard Zoning Enabling Act in the 1920's, the whole notion of planning was couched in protecting private property values, mostly from nuisances. Where private property values for a few are diminished by a regulation, it is usually because some other public value has diminished in priority those property values.

Governments increase property values by both infrastructure investment and by regulation. And communities that write and implement plans protect and enhance property values more effectively than the constant

stream of litigation fostered by so-called property rights advocates. Thus, the economic prosperity of our nation's most successful cities has been created as a result of planners balancing the public good with private interests.

Who would deny the value of planning to property owners whose residential neighborhoods are protected from industrial uses by the formidable power of zoning ordinances? Similarly, who could deny the benefits of a civic treasure like Central Park to Manhattan's residents and investors alike? The Tahoe decision re-establishes the primacy of land use planning in securing both the predictability of future land uses and the value of public resources to our cities and towns.

** The opinions presented in this article are those of the author exclusively and do not necessarily represent the position of the American Planning Association.*