

## NOTES ON NIMBYISM By Sharon Hudson

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### Part I: To NIMBY or Not to NIMBY: That Is the Question (August 8, 2006)

I admit, I never thought I was at risk. But people I know are showing symptoms, and it’s spreading quickly, so I decided to get tested. I’m very nervous, though. I’m afraid I might test positive for being a NIMBY.

Apparently I am a NIMBY (“not in my back yard”) if I don’t want a five-story building in my back yard. (Actually, as a renter I don’t have a back yard, and if Berkeley’s planners have their way, neither will anybody else, but that’s another story.) But what if I oppose the same building five or ten blocks away, or down in Oakland? Then am I a NIMBY or an “antiNIMBY”? How far does the metaphorical “back yard” extend? What if I just believe in good development, which in some places, both rural and urban, means no development?

In 2003, the city council considered charging a prohibitive development appeal fee to Berkeley residents who live “too far” (over 300 feet) from a project. Is caring about land use decisions more than a block from one’s house a symptom? But if those who live next to a project are NIMBYs, and those who live farther away are crackpots and busybodies, who can challenge bad developments? Nobody—which is just what the fee advocates wanted. Fortunately, the council tabled the fee after public protest. City Hall has since moved on to more subtle and successful means of eliminating public participation.

The smug intellectual version of calling somebody a NIMBY is to say they are “afraid of change.” This charge condescends toward those who are not “progressive” enough to embrace the name-caller’s version of the future, or “smart” enough to know what is good for them. But doesn’t almost everyone welcome “good” change and resist “bad” change? And, increasingly, bad changes and bad planning in Berkeley are starting to look like the status quo. So please, Doctor, am I afraid of change, or afraid of the status quo?

In land use matters, unless we cooperate—which most neighbors favor but which most developers eschew—“change” means taking away Peter’s rights to benefit Paul. If Peter objects, Paul says that Peter is “afraid of change.” For example, before my time, another apartment building was built just south of mine. Its extra height cut off the winter solar heat to the south side of my building and tripled the winter energy bills for our south-facing units. This was (and still is) a direct financial subsidy by neighboring residents to the developer, and I’m sure the neighbors at the time were vociferously “afraid of change.” But if the city council were to consider instating renters’ solar rights, who would be “afraid of change” then? Will this turn developers into NIMBYs?

Some “smart growth” advocates admit that land use conflicts have nothing to do with “fear of change” and everything to do with gain and loss. Simply stated, bad development means developers gain and we lose. Then developers spend a fraction of their gains to convince well-intentioned Berkeleyans that bad development is “smart growth.” They also have some allies among some very “smart” people who are safely out of the development zone. I’m probably doomed to be a NIMBY if I am too dumb to realize that I will “gain” from the overdevelopment agenda. If only Berkeleyans were smart enough, we would realize that we really want to live in a place with more people, bigger buildings, and less greenery. But for some reason, we stay in a quiet town filled with large trees, small cottages, and old Victorians. Yes, we are a dumb lot indeed!

It is important to a sustainable planet that most people live in fairly compact urban areas. Berkeley's population density is higher than ninety percent of California's cities, and three times that of the (equivocal) smart-growth poster-child, Portland, Oregon. This means that Berkeley already enjoys something quite special: a remarkably pleasant environment at a relatively high density. The more honest "smart growth" advocates admit that adding density to Berkeley isn't good for Berkeley. But they are willing to impose bad development upon us because it is good for the planet. These terraNIMBYs are truly terrified of change—climate change. And who isn't? Unfortunately, however, nothing we do in Berkeley's land use will have any noticeable impact on climate change.

Berkeley's idealism is laudable, but sometimes misguided. Few people—idealists least of all—want to acknowledge that something as critical as global warming cannot be affected by personal self-sacrifice. Berkeley is already doing less damage than almost any other American city of equivalent size. Stuffing a few thousand extra residents into the upper floors of too-tall buildings, and depriving them of cars, will do no good for the planet, but it will do considerable harm to Berkeley. Injuring Berkeley to impact either urban sprawl or global warming is like cutting off your thumb to lose weight: It will have no impact on your weight problem, but it's mighty detrimental to your hand. And it's permanent. Try it; you'll see.

But if those who are working so hard to remake Berkeley into their ideal were to spend equivalent time working for changes in federal and global environmental, population, economic, and science policies, it could make a huge difference. But that's no fun. It's fun to play around with little models, to get awards for being "green," and to see your ego enshrined in architecture. That makes Berkeleyans feel good. Meanwhile, buying new SUVs will make about a billion Chinese feel fantastic.

Finally, there are a handful of "smart growth" advocates in Berkeley who are true environmentalists. They value the California Environmental Quality Act and similar local protections like the Landmarks Preservation Ordinance. They even believe in public participation. Although they realize that changes in Berkeley alone will be globally insignificant, they believe in Berkeley's moral leadership and ability to change others by example. But it's delusional to think that Berkeley's example could save the planet from global warming, so let's set our hubris aside and work a little closer to home. Let's model a city in which people can live happily in relatively dense urban areas. Removing our existing strengths and pleasures, and emulating less attractive and livable cities, will not do this; it will do the opposite.

In addition, with all due respect, few people rush to follow the "good example" of hypocrites. If you would not live in the buildings you advocate; if you own or drive a car, but want to make it difficult for others to do so; if you like your tree-lined or historic street, but believe others don't need the same; if you want to live in peace and quiet, but to visit all-night bars and restaurants in other people's neighborhoods—then you are a hypocrite. If you say you want people (especially other people) to live in high-density communities, but then do nothing to protect their quality of life, you are a hypocrite. If you obsess over affordable housing while ignoring population control, then perhaps you are more concerned with looking good than with doing good.

In truth, I won't mind testing positive. NIMBYs may not look good, but they do good. It is NIMBYs who fight to keep the urban environment livable. It is urban NIMBYs who struggle tirelessly against uncooperative developers and planners for good development. So Berkeley NIMBYs: stand up and be proud. And don't forget to vote.

## Part II: Density, Equity, and the Urban NIMBY (August 11, 2006)

Most urban NIMBYs in Berkeley who oppose new developments are not part of an insulated class trying to hang onto their privileges. They are part of a sacrificial class that already lives in or next to high-density areas or transit corridors. They mostly do all the “right” things: walk a lot, drive little, consume little, live in little spaces, have little gardens (if any), and tolerate being a little too crowded. High-income people consume much more, utilize many more resources, and contribute much more to global warming than low-income people. Yet all the detriments of man’s environmental abuse and atonement are borne by the poor and funneled into high-density areas.

It would be considered pathologically regressive to suggest an economic or social policy that makes life more difficult for those who already have marginal lives, while shielding those with the best lives from all unpleasantness. Yet in land use policy, this is widely accepted. Zoning regulations are the means by which huge differences in quality of life are enshrined in law; they are a form of class discrimination that goes unchallenged. Although I am not about to suggest doing away with zoning, in any liberal and progressive society, legally sanctioned inequities must be examined periodically to see if they are necessary, and if so, how they can be made more tolerable.

In Berkeley, those in low-density neighborhoods have few problems and are pretty good at defending their interests. Week after week, the Zoning Adjustments Board gives painstaking consideration to protecting the views, air, privacy, and sunlight of homeowners in the better parts of town. But current and future residents of high-density neighborhoods are not so lucky: the ZAB and city council deprive dozens of them at a time of the little quality of life they enjoy with only a crocodile tear or two. ZAB members who live in comfortable low-density areas have no trouble telling the urban NIMBYs to stop whining. This would likely change if the ZAB were representative of Berkeley’s housing demographics.

There are at least three ways in which Berkeleyans who live in high-density areas are disadvantaged. First, quality of life is poor. High-density living is less spacious, less pleasant, less quiet, less peaceful, less attractive, less healthy, more toxic, more stressful, and provides less freedom and access to nature than low-density life. It is convenient but false to think that people live in these areas by choice, because they want an interesting and “vibrant” lifestyle. The vast majority eagerly move up the zoning ladder as soon as they can—which is why cities are dying while Suburbia is thriving. Every indicator shows that the advantage of high-density living—ready access to diverse and stimulating people and cultural activities—does not outweigh the disadvantages. Urban sprawl will continue unabated until the drawbacks of high-density life are drastically reduced.

Apparently no fan of unchecked urban vibrancy, the World Health Organization states that the “sensory overload and the continuous tension and change” inherent in difficult social and housing conditions “increases feelings of anxiety and uncertainty,” leading to a long list of social, psychological, and bodily ills. Anonymity, vandalism, and crime accompany density, and noise exposure is insidious, stressful, and largely unaddressed. And, adding to the burden of their own density, the rest of society’s unpleasant and unhealthy commercial, manufacturing, and institutional activities are also funneled into poor, high-density, and mixed-use neighborhoods.

Berkeley has plenty of mixed-use development, and smart growth calls for more, but livable mixed-use development requires ironclad protection of residential rights. But Berkeley’s planners and politicians habitually encourage commercial and institutional activities to expand at the expense of

residents. For example, Berkeley has not addressed the dilemma that institutional and commercial (mixed-use) demand for parking can expand almost indefinitely, and becomes worse as businesses become more successful. And the noise generated by large buildings and non-residential activities is pooh-poohed if discussed at all. Ignorance may be bliss for ideologues and planners, but urban residents must live in reality.

Second—and perversely—Berkeley deliberately makes life in high-density areas even worse than it already is. When planners see a street struggling with social collapse caused by big anonymous apartment buildings, instead of trying to rehabilitate that street, they rush in to put more big buildings there. Traffic and buses are, of course, directed straight through high-density neighborhoods. One Berkeley planner informed me with apparent delight that Berkeley’s General Plan requires him to make parking as difficult as possible in my neighborhood. Such callous attacks on suffering and marginal neighborhoods in the name of the shallowest interpretation of “smart growth” turn naive neighbors into enraged urban NIMBYs overnight.

Third, high-density residents pay “density taxes” in lost time and dollars from crime, parking fees and fines, construction inconvenience, neighborhood deterioration, loss of property value, etc. Parking fees and fines are particularly regressive “taxes” that disproportionately fall on low-income residents and renters in high-density and mixed-use neighborhoods. We pay for an ineffective residential parking program, then get ticketed, towed, and vandalized because our cars are parked too far away to keep an eye on. About \$1000 in parking fines is paid every month by my immediate neighbors—mostly lower-income renters—because there is no place to park on street-sweeping days. The City recently received over \$400,000 for selling the university our parking spaces and roads during the Underhill dormitory construction, but refused to use a dime of it to help the impacted neighborhood. Such “taxes” only fall on those in the higher density areas.

Does all this mean that we should eliminate zoning, or that we should decrease the quality of life in R-1 until it is as bad as in R-4? Of course not. It means we should trade our traditional planning approach, which perpetuates class discrimination and urban flight, for ethical and creative planning and zoning that improves and maintains good quality of life in *all* urban settings, *especially* high-density ones. High-density living can be excellent if it is thoughtfully designed and protected. The goal is to make life in R-4 and mixed use areas *different* (yes, more urban, more active) *but equal in quality* to life in low-density areas.

Both social justice and environmentalism demand a complete overhaul of our planning priorities. To improve equity, we should recognize that residents in high-density areas are not there by choice, but nonetheless “pay” disproportionately to reduce the environmental damage caused mostly by others. Therefore we should do our best to mitigate all damage to them, and to provide them compensatory benefits as well. To stop urban flight, we must upgrade the livability of high-density areas until such areas can attract and retain as many stable residents as possible. High-density areas must stop being dumping grounds for experiments in unguided self-interest; instead, they must become showcases of quality living, carefully crafted in the public interest.

The large developments added to Berkeley in recent years have decreased livability and increased inequity. As long as this continues, people will struggle against it. But wouldn’t it be better if those in power joined our urban NIMBYs to embrace a socially and environmentally responsible land use vision?

### Part III: A NIMBY Confronts Environmental Dualism (August 15, 2006)

Summer is here! Vacation time! Where shall I go? Usually I head straight for the wilderness—where I have spent much of my life—far from electricity, running water, indoor plumbing, and the teeming masses. But since I have spent even more of my life in one of the highest density parts of Berkeley, the more interesting question is: What has enabled me to stay in town most of the time?

When I moved to north Willard, it was a green place graced by rows of towering elms, and was far enough from the university to be relatively peaceful (UC has crept much closer now). It was close to interesting activities, and I could satisfy almost all my daily needs by foot. Since then, however, almost all the nearby amenities have disappeared. Meanwhile, small tree species have replaced our giant elms, huge UC buildings have blocked out the hills, new UC staff fill our neighborhood parking spaces, and thousands more students pack our sidewalks (with cell phones, so even solo pedestrians now make noise). The new dorms send continuous mechanical drone into my bedroom window, car alarms proliferate, and clattering recycling and garbage pickups have doubled. The unending roll of UC construction trucks, which may last another decade or forever, tops it off.

What led to this deterioration? Or more accurately, why does the City not view this as deterioration? Because this change was not caused by lack of planning; instead it exemplifies our planning, and it is as much our City's "urban plan" as it is the university's. For example, in 2002, the planning department and Zoning Adjustments Board supported replacing two of our residential street's few remaining historic single-family homes with a six-story building containing UC classrooms. The planning staff insisted that this would have "no significant impact" on our struggling neighborhood, and the developer claimed it was "smart growth." This is typical.

But what's "smart" about destroying neighborhoods? Why are those who try to improve civilized life vilified as NIMBYs? Why are self-proclaimed "environmentalists" trying to destroy our urban environment? How did saving "greenspace" translate into destroying Berkeley?

Americans have a changing relationship with the natural environment. For the colonists, the wilderness was a dangerous wasteland to be feared and avoided. But by the later 1800s, the dangers of the frontier had receded and more people had been exposed to the spectacular American landscape, which was now considered to reflect the "sublime" face of God. The first national parks were designated, and heroic paintings celebrated the Western wilderness, initiating a wave of nature tourism—ironically, more or less coinciding with the foreseeable disappearance of the very landscape that people were coming to see. This urgent sense of simultaneous discovery and loss was not unlike what many of us experience today regarding exotic ecosystems.

Already imbued with Rousseau's romanticization of the "primitive," the wilderness came to embody the American identity, the rugged individualist. It was viewed as noble, pristine, wild, free, and true, while civilization came to be viewed as corrupt, polluted, artificial, restraining, and false. Even though the "wilderness" had shared space with native Americans, missionaries, frontiersmen, and farmers for centuries, in the urban mind, only an entirely uninhabited, untouched wilderness could be "sublime."

Thus emerged a dualistic view of man and nature, separate and unequal: nature as pure and noble, and man and everything he touches as defiled. Over the 20<sup>th</sup> century, this philosophical duality increasingly became an earthly reality. Industrial America treated the landscape as a soulless resource to be mined, dammed, polluted, paved, logged, and plowed over, destroying irreplaceable

ecosystems, and ultimately, perhaps, the planet as we know it. No wonder, then, that people of conscience who came of age in recent decades are likely to view human beings, subconsciously at least, as a loathsome plague upon the planet.

After several years of analyzing the deterioration of neighborhoods, and watching “smart growth” extremists lionize urban life while simultaneously destroying it, I realized that the dualistic environmental model is at the heart of our problems. It has created “environmentalists” who, astonishingly and without irony, despise the urban environment—even though Urbania is the primary ecosystem for a species of over six billion members. Self-contempt, shame over mankind’s planetary abuse, and Berkeley’s omnipresent “liberal guilt” combine forces to create unproductive extremism in urban and transportation planning. Berkeley “environmentalists” would never advocate marginal, artificial environments for other species, but for humans they propose an unpleasant and inhumane urban environment, devoid of aesthetic and spiritual sustenance and often even the basic requirements of good health. People who love and respect themselves or others would not be so misanthropic and punitive.

The fact that almost all the pain falls on the shoulders of those with lesser means and few choices might, in other times, have given good liberals pause. But hysteria over the shortage of “affordable housing” has trumped that concern, making inhumane warehousing for the poor (“it’s better than no housing”) fashionable once again. But unless we want to forfeit both our democracy and our freedom, any policy based on forcing people who *do* have choices into unpleasant surroundings and behaviors is doomed. If we do not want our species to head toward the greener grass of Suburbia and beyond, we must lovingly create a physically, socially, psychologically, and spiritually attractive and sustainable urban environment for ourselves.

Urban planners must never forget that human beings are animals; our animal nature is part of our human nature. We evolved in a natural environment and gain a profound tranquility from the sights, smells, sounds, and feel of the natural world. People cannot drive off into the wilderness every time they want to connect with their humanity; it’s not practical, ecological, or even possible for many. We must connect with our humanity where we live, every day, in an urban ecosystem that is nourishing and fulfilling. We should think of this as our vital “minimum daily requirement” of nature. Only by building into Urbania a connection to nature—which is our own nature—can we create sustainable urban health and “livability.”

And this approach is most likely to ultimately preserve the wilderness as well. Urban children must be the future stewards of our natural environment. But I have known urban teenagers who have feared to take a step into the woods. I knew a young man from Hong Kong who was delighted to finally have a tiny vegetable garden in Berkeley, and then chopped the entire garden to the ground after being traumatized by a tomato worm. Will those who do not feel “at home” in nature have a passion to maintain the natural world for their children and grandchildren? I fear not.

Environmentalist William Cronon writes: “Idealizing a distant wilderness too often means not idealizing the environment in which we actually live, the landscape that for better or worse we call home. . . . [P]eople should always be conscious that they are part of the natural world, inextricably tied to the ecological systems that sustain their lives. Any way of looking at nature that encourages us to believe we are separate from nature . . . is likely to reinforce environmentally irresponsible behavior. . . . Home, after all, is the place where finally we make our living. It is the place for which we take responsibility, the place we try to sustain so we can pass on what is best in it (and in ourselves) to our children.” Amen.

## Part IV: The NIMBY Manifesto (August 22, 2006)

In 1990, 60% of New Yorkers said they would live somewhere else if they could, and in 2000, 70% of urbanites in Britain felt the same way. Many suburbanites commute hours every day just to have “a home, a bit of private space, and fresh air.” But unfortunately, running off to Suburbia or to the wilderness to find contentment is becoming environmentally and economically unviable.

We must draw people back into relatively compact urban areas. Showcase cities that have managed to attract would-be suburbanites into increased core densities have done so through neighborhood revitalization and by giving priority to quality of life, not density. This is the opposite of what Berkeley is doing.

Berkeley is making three serious mistakes. First, we are deliberately and unnecessarily increasing income-based inequities in quality of life. Second, we are moving toward an urban environment where man is disconnected from (his) nature. And third, we are creating an urban environment that undermines our cultural values and individual potentialities.

First, as discussed in Part II of this series (“Density, Equity, and the Urban NIMBY,” August 11), we should not continue to enshrine poor and unequal quality of life in our land use policies and zoning decisions. Livability standards are *most* important, but *least* applied and enforced, in high-density areas. Renters and other high-density residents are expected to do without adequate living space, greenspace, quiet, and cars; and without cars, they lack the freedom, pleasure, and mobility taken for granted by average Americans. This is ethically unacceptable.

Second, our urban rights must include the right to a “minimum daily requirement” of nature, as discussed in Part III of this series (“A NIMBY Confronts Environmental Dualism,” August 15). Most urban poor never leave the ghetto; most car-free Manhattanites rarely leave New York City. The only nature they experience has to be in their own neighborhoods. Good urban design creates space to experience a diversity of nature on a daily basis.

Finally, we need to design urban spaces to enhance quality of life, cultural richness, and personal fulfillment. The Centers for Disease Control defines quality of life as “an overall sense of well-being . . . including] all aspects of community life that [influence] the physical *and mental health* of its members.” The World Health Organization states that “health is a state of complete physical, *mental and social* well-being . . .” The Universal Declaration of Human Rights adds: “Everyone . . . has the right to . . . the economic, social and cultural rights indispensable *for his dignity and the free development of his personality.*”

What kinds of spaces are required to express our dignity and personality? Americans, Californians, and Berkeleyans must examine our own values and decide which ones to make space for. We cannot take land use examples from other cultures. Berkeleyans are not Parisians, nor Brazilians, nor even New Yorkers. I once asked a friend from Hong Kong what he did outside of work. He said: “Nothing, really. In Hong Kong we didn’t have any room for hobbies. I don’t know how to do anything or build anything. All I know how to do is go to work.” Lack of space for personal development makes Hong Kong a capitalist dream but a cultural wasteland. American values are different. We like private space for hobbies and recreation, and if the city doesn’t provide it, Americans will simply continue their urban exodus.

We cannot let planners and developers decide what we will do with our lives. I never hear planners discussing psychological health and cultural values. Planners have a different approach. As one Berkeley planner told me, no matter what they build, eventually those who can or must tolerate the new, worse environment will replace those who can’t. As this happens, resistance to further

degradation lessens. But I reject this “race to the bottom.” And with enough time, planners and developers could also train Americans to live like drones in anthills—but why let them?

The reason Berkeley is making these three mistakes is that we have fallen under the control of developers and extremists, instead of implementing real smart growth. Accepted smart growth urban infill guidelines recommend more open space, more parking, smaller buildings, and greater housing variety than is called for by Berkeley’s current plans, codes, decision makers, false “smart growth” advocates, and, of course, developers. Real smart growth approximates what most of Berkeley looks like right now—two-story single-family homes with small yards, two- and three-story multi-unit buildings, somewhat taller buildings in mixed-use areas, plenty of greenery, adequate but not excessive parking, and attractive, walkable downtowns based largely on the preservation of historic buildings. This is what makes urban living humane, attractive, healthy, and sustainable. And it’s exactly what most Berkeley NIMBYs support.

Human beings can survive in environments of unbelievable degradation. People can adapt to horrors so well that they soon fail to perceive them as horrible. Thus it is important to remind ourselves of what is good before we become too accustomed to what is bad.

Simply stated, urban residents have a civil right to good quality of life. So I now propose an “Urban Bill of Rights,” a.k.a “The NIMBY Manifesto.”

### The Urban Bill of Rights

1. The right to see the sky, the sun, and significant greenery from within one’s home.
2. The right to natural cross ventilation in one’s home.
3. The right to enjoy peace and quiet within one’s home with windows open.
4. The right to sleep at night without excessive artificial ambient light.
5. The right to be free in one’s neighborhood from pollution of air, water, soil, and plant life.
6. The right to be free from undesirable local environmental change caused by poor urban design, such as wind, shadow, and noise canyons, excess heat caused by overpaving, etc.
7. The right to adequate space for storage, hobbies, and other personal activities in and around each dwelling unit, including play space for children in family housing.
8. The right to mobility, regardless of income. If automobile use is discouraged by prohibitive pricing, public transit must be adequate and low cost.
9. The right to parking space for each household, usually one to two spaces per household.
10. The right of convenient access, on foot if possible, to basic daily needs, such as good quality food at reasonable prices, daily household and medical supplies, laundry facilities, etc.
11. The right of convenient access, by foot, private vehicle, or transit, to places of employment.
12. The right of equal access to the commons and to taxpayer-funded and other public facilities, such as government buildings, libraries, museums, bridges, and roadways.
13. The right of access within walking distance to nature, recreation, outdoor exercise, and potential discovery, including parks, open space, and areas inhabited by wildlife.
14. The right to equal and adequate police, fire, and emergency services, which shall not be infringed on the basis of income or neighborhood character.
15. The right to participate in and guide, through equitable, representative, democratic processes, land use decisions that affect oneself, one’s neighborhood, and one’s community.

This list can be refined through public discussion. Once accepted, urban rights would be delimited in practice by the courts just like our other rights. Many of them are inexpensive and easy to implement, and all should be goals of good urban planning. I challenge our planning staff, land use and housing commissions, city council, and any organizations pretending to advocate “livability” in Berkeley to incorporate these urban rights into all their housing and land use decisions.