The Environmental Protection Hustle
by BERNARD J. FRIEDEN. Cambridge, Mass.: The MIT Press. 1979. pp. 211. £8.10

Is it true that people who use the provisions of environmental legislation to eliminate, delay, or force changes in proposed housing projects are members of a 'powerful, ideologically driven crusade to keep the average citizen from home-ownership and the good life in the suburbs'? According to Bernard Frieden, writing after a year spent in residence at the University of California, Berkeley, many of those who have made it to the suburbs, acting under the guise of protecting the environment for everyone, are really trying to keep all others out in order to preserve desired amenities just for themselves.

This claim is based on Frieden's interpretation of what has happened in a number of communities in the San Francisco Bay Area, where a variety of different tactics have been used to slow the growth of land development in general and to obstruct certain housing projects in particular. These tactics have included the establishment of agricultural preserves (with favourable tax treatment) under California's Williamson Act, land-use controls exercised under State coastal zone legislation, local ordinances restricting the issuance of building permits, moratoria on (or high fees for) utility hook-ups, public acquisition of land for open space, restrictive zoning, and environmental reporting requirements. Although California is dubbed the 'front-runner' in devising ways of halting suburban residential development, Frieden argues that the growth control movement has spread far beyond the boundaries of the State and already poses a serious threat to would-be home-owners nationwide.

Frieden contends that the maze of regulatory hurdles now facing development proposals has given opponents repeated (and, in his view, unreasonable) opportunities to challenge, delay, and generally exert pressure on developers to modify their plans or even abandon them altogether. He illustrates the problem by examining in some detail the fate of several specific housing projects, notably Mountain Village (Oakland), Harbor Bay Island (Alameda), San Bruno Mountain (San Mateo), and Blackhawk Ranch (Contra Costa). In each case, the developer initially proposed to construct a relatively large number of 'moderately' priced homes – enough, according to Frieden, to make a significant contribution to meeting the Bay Area's pressing housing needs. Frieden's account makes it appear that each of the projects was essentially environmentally sound; yet each encountered sustained opposition from members of the local community, often supported from further afield by environmental organisations such as the Sierra Club. After several years of delay and uncertainty, the opposition forced either a total withdrawal by the developer or a shift toward the construction of far fewer homes, re-designed for the higher-priced end of the market.

Frieden is a very skilful writer, and the book makes compelling reading. To the casual reader, and especially to one who is unsympathetic to the environmentalist cause, his arguments will seem very convincing. However, his account suffers from several flaws: it is patently one-sided; there is a tendency to label *all* opponents of housing projects as 'environmentalists'; any suggestion that there might be legitimate environmental objections to new housing is given short shrift; at least one of the case studies is presented in a somewhat misleading way, which raises suspicions about the others; and the reader is not given enough information to be able to judge the validity of generalising from the evidence presented.

The book loses much of its impact due to the obvious anti-environmentalist bias that the author displays throughout. It is disturbing, for example, to find that the developers are always portrayed (implicitly, if not explicitly) as the 'good guys', constantly struggling against the odds to do what is 'right' for society, while the opponents are almost invariably painted in the worst light possible. Furthermore, Frieden's tendency to describe all opponents as 'environmentalists' is misleading; in an early chapter he does distinguish between 'suburbanites', who oppose new housing because of their concern about higher taxes and social disruption, and 'environmentalists', who are concerned about the impact of growth on the natural environment, but even this distinction tends to get lost as the book progresses. While it is true that the *means* used to obstruct new development often stem from legislation intended to protect the environment, this is not to say that the *ends* sought are necessarily environmental. It is probably not unreasonable to suppose that, in the absence of environmental protection legislation, determined opponents would find some other means of obstruction.

Chapter 3 contains an example of the kind of problem that results from lumping all opponents together. Frieden implied that the same environmentalists who favoured the use of water policy to control growth in Marin County were also responsible for blocking the conversion of a former Dominican brothers' priory to low- and moderate-income housing for the elderly. However, it is my understanding (from two people actually involved in this controversy) that many of the environmentalists actually fought hard *against* this blatantly exclusionary action by the priory's neighbours.

By asserting that 'environmental opposition to home-building has almost no connection to mainstream conservation issues, such as reducing pollution and eliminating health hazards', Frieden discounts the possibility that at least some of the hurdles presented by environmental legislation may have been erected for good purpose. However, directly or indirectly, new residential development can indeed make significant demands on the natural environment; problems may arise affecting the air, water, or soil, not all of which can necessarily be 'solved' as readily as Frieden suggests. For example, technological controls on potentially polluting residuals (such as smoke and fumes, liquid effluents, and solid wastes) typically cause them to be shifted from one place to another, or from one medium to another, but cannot make them disappear; ultimately they must be discharged in one form or another to the natural environment, whose capacity for assimilation does have a limit. Frieden fails to acknowledge the real contribution made by open space to environmental quality, especially in an area that is otherwise heavily urbanised; open space not only provides aesthetic and recreational opportunities (which are by no means un-

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Not being intimately familiar with the Bay Area, I have no way of judging the accuracy of all the descriptive details presented in the case studies. Although I have no reason to doubt explicit statements of fact, I am a little suspicious that information may occasionally have been used selectively or in such a way as to be misleading. A red flag was raised for me, for example, when I realised that Frieden spends seven pages on his account of the San Bruno Mountain controversy before he even slips in a mention that much of the area is 'too steep for most recreation', or that the terrain largely consists of 'steep slopes and ravines'. Anyone who has actually seen the mountain (which I have) might be forgiven for wondering why anyone would even consider placing 12,500 housing units in a hardly accessible location part-way up! It is difficult to believe that such a proposal really warrants Frieden's description 'environmentally sound'. I am not suggesting that the opposition to the project was necessarily entirely warranted; however, I am led to wonder how objectively the cases are presented in the book.

I also wonder whether the cases themselves are truly representative, or whether they were selected very carefully to support Frieden's case. Is it fair to generalise from these cases to the entire Bay Area and beyond? Unfortunately, Frieden provides insufficient detailed information about housing needs, land availability, and alternative project proposals in the Bay Area for the uninformed reader to be able to judge. Perhaps there are more suitable locations for new housing. What about the areas of land currently targeted in local plans for development, and zoned accordingly? According to the current President of *People for Open Space*, who happens to be a former San Francisco Planning Director, there are plenty of sites available to accommodate needed growth. Of course, developers might not rush to build on them (just as they have not rushed to build in those parts of Petaluma viewed by the city as the most suitable), although in a market as tight as Frieden suggests that it is, it seems most unlikely that the dwellings would go unsold. Yet, according to Frieden, it is the developers who are the best judges of where to locate housing, and the possibility that maximising private returns might not yield the social optimum is not even considered.

Although there is much to criticise in the way Frieden presents his case, he nevertheless raises some very important issues. It is undeniable, for example, that environmental regulations do provide opponents of residential development with a great deal of power to obstruct, for whatever reason, and often at relatively low (although usually not negligible) cost to themselves. Viewed from the perspective of the person who sincerely believes that a project is environmentally undesirable, this may be considered a good thing; and Frieden's supposed 'horror story' of the lone Eagle Scout who was able to delay a major housing project near Lake Merced might be